

Special Commission on Missing Persons and Sex Crime Investigations

Final Report

Teresa Metcalf Beasley

Attorney, Vorys, Sater, Seymour and Pease LLP

Mary Bounds

*Assistant Director, City of Cleveland Department
of Public Safety*

Megan O'Bryan

President/CEO, Cleveland Rape Crisis Center



VORYS

March 30, 2010

Final Report Table of Contents

Executive Summary	1
I. Background Information	1
A. The Objectives	1
B. The Commission.....	1
C. Scope of Consideration	2
1. Missing Persons—Current State of the Problem	2
2. Sex Crimes—Current State of the Problem	2
D. Goal of Recommendations	3
II. Methodology	4
A. Stakeholder Input	4
1. Community Forums.....	4
2. Focus Groups.....	4
3. Interviews.....	5
4. Anonymous Public Input.....	5
B. Field Experience.....	5
C. SWOT Analysis	6
D. Comparison Police Departments	6
III. Analysis of Stakeholder Input.....	8
A. Introduction.....	8
B. Community Forums and Focus Groups	8
C. Anonymous Public Input.....	10
D. Interviews.....	10
1. General Interview Themes	10
2. Missing Persons	11

3. Sex Crimes	12
IV. Analysis of Field Experience	13
A. Ride-Alongs	13
B. Dispatch	13
C. Sex Crimes Unit.....	13
D. Fusion Center	14
E. Justice Center/Division of Police	14
V. SWOT Analysis	14
VI. Analysis of Comparison Police Departments	15
A. Missing Persons Investigations	15
1. Overview: The CPD Missing Persons Investigation Requirements	15
2. The Ohio State Law Requirements Relevant to Missing Persons	15
3. Summary of Investigative Steps from CPD Missing Persons GPO	16
4. Analysis of Comparison Police Departments' Responses During General Components of a Missing Persons Investigation	19
B. Sex Crimes Investigations	30
1. Overview: The CPD Sex Crimes Investigation Requirements	30
2. Ohio State Law Requirements Relevant to Sex Crimes	30
3. Summary of Investigative Steps from CPD Policies	32
4. Analysis of Comparison Police Department's Responses During General Components of a Sex Crimes Investigation	35
C. Structure of Police Departments	41
1. Assignment to Specialized Units	41
2. Prosecution of Sex Crimes.....	42
VII. Recommendations: Cleveland Division of Police	43
VIII. Recommendations: External Agencies.....	66

IX. Implementation	68
APPENDIX A Commission Memmbers Biographies.....	APP-A
APPENDIX B Commission Team Members	APP-B
APPENDIX C Information on Organizations that Assisted with Preparation of this Report	APP-C
APPENDIX D Community Forum Information	APP-D
APPENDIX E Focus Group Information	APP-E
APPENDIX F Interviews Information.....	APP-F
APPENDIX G Cleveland Division of Police: Analysis of Missing Persons Policies and Procedures	APP-G
APPENDIX H Cleveland Division of Police: Analysis of Sex Crimes Policies and Procedures	APP-H
APPENDIX I Missing Persons: Analysis of Comparison Police Department Internal Policies.....	APP-I
APPENDIX J Sex Crimes: Analysis of Comparison Police Department Internal Policies.....	APP-J
APPENDIX K The International Association of Chiefs of Police model policies on missing persons and sex crimes investitations.....	APP-K
APPENDIX L Missing Persons: Ohio Attorney General Best Practices Protocol for Law Enforcement in Missing Persons Cases	APP-L
APPENDIX M Comparison Charts	APP-M
APPENDIX N Cleveland Rape Crisis Center's Position Paper on Community Management of Sex Offenders	APP-N
APPENDIX O Resources Related to Missing Persons	APP-O
APPENDIX P Resources Related to Sex Crimes	APP-P
APPENDIX Q Description of SANE Unit	APP-Q

Executive Summary

Background Information

On December 9, 2009, City of Cleveland (the “City”) Mayor Frank G. Jackson appointed a Special Commission on Missing Persons and Sex Crimes Investigations (the “Commission”). Mayor Jackson tasked the Commission with the following objectives:

- Examine the City’s existing policies and practices in handling cases that involve missing persons and sex crimes to determine if the City follows its own policies.
- Research best practices from around the country and compare the same to the City’s practices.
- Recommend changes to the City’s policies and practices, if warranted.

The Commission consists of Vorys, Sater, Seymour and Pease LLP (“Vorys”) attorney, Teresa Metcalf Beasley, City of Cleveland Assistant Director of Public Safety, Mary Bounds, and President/CEO of the Cleveland Rape Crisis Center, Megan O’Bryan.

The Commission would like to extend its appreciation to Vorys, the City of Cleveland’s Department of Public Safety, the Cleveland Rape Crisis Center, the City of Cleveland’s Division of Police, and all of the community members who provided input during the past 90 days. It is with the cooperation and support of these groups, individuals, and the community that we are able to deliver this final report (the “Report”).

Scope of the Issues

The Commission analyzed the Cleveland Division of Police’s (“CPD”) responses to reports of missing persons and sex crimes. The Commission’s review was limited to the CPD’s response to reports of missing persons over the age of 18 and sex crimes where the victim was over the age of 18.

As a starting point for its analysis, the Commission obtained local and national statistics on the frequency of missing persons reports and sex crimes. According to the National Crime Information Center Missing Persons File (“NCIC”) database, in 2008 there were 778,161 missing persons reports made nationally. The NCIC database was implemented in 1975 to retain all missing persons records indefinitely until the individual is located, or the entering agency cancels the record. The CPD received 2,552 reports of missing persons in 2008, according to the CPD’s Crime Analysis Unit 2008 data.

In 2008, there were 633 rapes (including both children and adults) reported and investigated by the CPD, resulting in charges being filed in 142 of the reported cases. An additional 1,600 sexual assault referrals were received by the Cuyahoga County Department of Children and Family Services that year. According to the U.S. Department of Justice’s 2005 National Crime Victimization Study, 60% of sexual assaults are unreported. This indicates that the number of rapes that occurred in the city of Cleveland in 2008 was possibly as high as 3,165. United Way of Greater Cleveland’s 2007 Core Services Report on Sexual Assault, indicated that

an estimated 11% of the population (or 149,274 people) of Cuyahoga County (the “County”) have been raped some time in their lives and are in need of healing services.

Methodology

The Commission used three primary methods of information gathering: (1) community input, (2) field experience, and (3) analysis of 16 comparison police departments in 16 cities across the United States (the “Comparison Police Departments”).

Stakeholder Input and Field Experience

Stakeholder input was gathered through community forums, focus groups, interviews of related professionals and subject experts, and mechanisms for anonymous input, including email, voicemail and U.S. mail. In addition, in order to better understand the policies, procedures, and practices of the CPD, the Commission participated in several methods of field research, including ride-alongs with patrol officers and site visits to the Communication Control Section for the CPD, the Sex Crimes Unit of the CPD, and the Northeastern Ohio Regional Fusion Center (the “Fusion Center”) located at the Justice Center.

Comparison Police Departments

In addition to the community input, the Commission engaged in a careful analysis of the CPD’s internal policies, which are referred to by the CPD as General Police Orders (“GPO”), regarding the investigation of missing persons and sex crimes. The Commission began by completing a thorough legal analysis of the CPD’s GPO No. 6.2.10 on missing persons investigations (“Missing Persons GPO”) and the CPD’s GPO No. 6.2.09 on sex crimes investigations (“Sex Crimes GPO,” and collectively with the Missing Persons GPO, the “GPOs”). The Commission also completed a thorough analysis of the CPD’s Sex Crimes Unit Procedure Manual (the “Sex Crimes Unit Manual”). This legal analysis included legal research on requirements imposed on the CPD by state and municipal law.

After gaining a clear understanding of how the CPD is required by state and municipal law and its GPOs to respond to reports of missing persons and sex crimes, the Commission analyzed how the Comparison Police Departments respond to reports of missing persons and sex crimes. The Commission conducted extensive legal research to analyze the investigative steps each Comparison Police Department is required to take in response to reports of missing persons or sex crimes according to (1) state law, (2) municipal law, and (3) the police department’s internal policy. In connection with this analysis, the Commission analyzed the International Association of Chiefs of Police’s (“IACP”) model policies on missing persons and sex crimes, and the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (“OAG Missing Persons Best Practices Protocol”).

Recommendations

The Commission has determined that its objectives in setting forth recommendations are: (1) to encourage reporting of missing persons and sex crimes; (2) to strengthen the CPD’s investigative skills and techniques in missing persons and sex crimes investigations by ensuring that officers receive additional training; (3) to create recognized best practices in the area of

missing persons and sex crimes investigations; (4) to increase awareness of resources available to victims of sex crimes (and their families) and to families of missing persons; (5) to strengthen systemic collaboration between regional criminal justice organizations; (6) to hold more offenders accountable both pre-arrest and post-arrest; and (7) to enhance the relationships between the CPD, the community, and the media by forming strategic partnerships when possible.

In order to accomplish these objectives, and based on the Commission's analysis of the information gathered, the Commission has concluded that the CPD and certain external agencies, as noted, should implement the recommendations listed below.

Recommendations for CPD

1. Create a Missing Persons Unit charged with collecting, analyzing, and disseminating information related to persons reported missing.

In order to both improve the record keeping and the detection of patterns related to missing persons, and the relationship between the community and the CPD related to the investigation of missing persons, the Commission recommends that the CPD create a stand-alone Missing Persons Unit.

2. Relocate missing persons liaison officer assigned to Record File Section to the Fusion Center.

The missing persons liaison should be assigned to office space located within the Fusion Center and perform the job duties of the missing persons liaison from within the Fusion Center in order to facilitate more information sharing and collaboration of resources amongst the five county region served by the Fusion Center.

3. Revise and update the Missing Persons GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of missing persons.

The Commission recommends that the current Missing Persons GPO be divided into two revised general police orders—one that specifically addresses missing persons over the age of 18, and another that specifically addresses missing children. The revised Missing Persons GPO should include the better practices identified in this Report.

4. Create a missing persons website.

In order to increase public participation and public awareness, it is recommended that the CPD create a missing persons website that enables the public to have immediate, searchable access to information on persons reported missing.

5. Revise and update the Sex Crimes GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of sex crimes.

The Commission recommends that the scope of the current Sex Crimes GPO be significantly expanded to provide comprehensive guidance on the investigative procedure from the initial report through the conclusion of the case. The revised Sex Crimes GPO should include the better practices identified in this Report, such as enhancing the initial response, employing a rapid response in certain cases, recommending the victim be examined at a hospital with a Sexual Assault Nurse Examiner (“SANE”) Unit, the expedient processing of forensic evidence, and enhancing victim advocacy.

6. Immediately implement a communications system in the existing Sex Crimes Unit to provide victims more timely access to detectives and to give detectives better options to contact victims.

It is the Commission’s recommendation that detectives in the Sex Crimes Unit, immediately be provided with improved communications systems that enable victims and their families to easily contact detectives, such as City-issued cell phones or smart phones, email access, and additional technology.

7. Implement web-based electronic case management system in the Sex Crimes Unit.

In order to increase the efficiency within the Sex Crimes Unit, the entire unit should implement an electronic case management system. This would allow for more timely receipt of reports from first responders, assignment of cases to the various detectives, evaluation of caseload of each detective, follow up on cases and respond to inquiries.

8. Improve the physical environment for victims making sex crimes reports and statements at the district level and in the Sex Crimes Unit.

The Commission recommends that the Sex Crimes Unit be immediately relocated to a victim-friendly, neutral location such as 205 St. Clair Avenue. The Commission recommends that the guiding principles for the redesign of the Sex Crimes Unit are that the Sex Crimes Unit (1) be as comfortable as possible for the victim, (2) be equipped with updated technology, and (3) be set-up to maximize the efficiencies of the detectives. At the district level, each police station should create a private area so that a victim reporting a sex crime can feel a sense of privacy and security.

9. Provide an administrative professional to serve as office personnel in the Sex Crimes Unit.

It is the recommendation of this Commission that an administrative professional be assigned/employed within the Sex Crimes Unit to handle the various administrative functions so that the detectives may utilize their time more efficiently and effectively.

10. Dedicate a detective from the Sex Crimes Unit to work on the newly created Violent Crimes Task Force under the jurisdiction of the Federal Bureau of Investigation.

The Commission recommends the CPD assign one of their Sex Crimes Unit detectives to work with the Federal Bureau of Investigation's ("FBI") Violent Crimes Task Force. This will facilitate a better understanding of local sex crimes within the task force and encourage a close working relationship between the CPD, the FBI, and the Cuyahoga County Sheriff's Department.

11. Expand the City of Cleveland Municipal Prosecutor's Domestic Violence Unit to include sex crimes.

The City of Cleveland Municipal Prosecutor's Domestic Violence Unit ("DVU") should be expanded to include sex crimes, and would then be known as the Domestic Violence and Sex Crimes Unit ("DVSCU"). With the expansion of the DVU to the DVSCU, several new City prosecutors with specialized training on the investigation and prosecution of sex crimes should be assigned to the DVSCU, as well as one or two professionally trained advocates with specialized training in working with victims of sex crimes. The DVSCU would review and assist with sex crimes cases as the DVU currently does with domestic violence cases.

12. Cleveland Department of Law should provide a City Prosecutor to serve as Police Legal Advisor to the Sex Crimes Unit for consultation and case preparation review.

With the expansion of the DVU to include sex crimes investigations, the City Prosecutor should also assign, on a full-time basis, a prosecutor from the expanded DVSCU to provide day-to-day legal advice to the Sex Crimes Unit in the capacity of a Police Legal Advisor.

13. Renegotiate the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association (the "CBA") to allow the assignment of officers into the Sex Crimes Unit based on skill-set, performance, and experience.

The Commission recommends that all assignments into the Sex Crimes Unit be made based on an assessment of an officer's skill-set, performance, and experience. All officers should be interviewed in order to determine the skills each officer possesses. This multifactor analysis will allow the Chief of Police to make 100% management selections that will ensure that the Sex Crimes Unit is supported by the most qualified detectives.

14. Review the Memorandum of Understanding between the Cuyahoga County Department of Children and Family Services regarding referrals to the Sex Crimes Unit.

It is the recommendation of this Commission that the Memorandum of Understanding ("MOU") between the Cuyahoga County Department of Children and Family Services ("DCFS") and the CPD be revisited within three months from the date of this Report to determine (i) the necessity for all DCFS allegation referrals to be forwarded to the Sex Crimes Unit; (ii) the type of referrals that should be submitted to the Sex Crimes Unit, in addition to emergency cases of physical and sexual child abuse and neglect; and (iii) the best and most effective means to submit the information electronically. Under the revised MOU, DCFS should be responsible for triaging the referrals received and sending only the most serious referrals to the CPD.

15. Implement mandatory training on best practices in report-taking and investigation of missing persons and sex crimes.

The Commission recommends that all CPD personnel that have a role in the process of taking reports on and investigating cases involving missing persons and sex crimes be required to participate in additional training every three years on best practices in report-taking and investigation. In order to minimize cost and maximize the number of officers that can receive the training, this training can be video or computer-based to increase access to the training.

16. Create and deliver training to all CPD personnel on customer service in order to improve the interaction between the public and the CPD, and the public's perception of the CPD.

The CPD should immediately create and implement a training program that reinforces the importance of all CPD personnel being courteous and friendly to citizens during all interactions. The training should also emphasize the importance of responding quickly and professionally to all requests for assistance.

17. Provide training on unique issues facing marginalized populations to police officers and dispatchers.

The CPD should immediately identify marginalized populations within the City, identify obstacles or barriers these populations encounter when attempting to access criminal justice services, and develop solutions to overcome them. Based on its analysis, the CPD should then create a training program that informs police officers and dispatchers of the obstacles and how they can minimize the obstacles. Training related to marginalized populations should be provided to police officers and dispatchers at least once every two years. The first training related to marginalized populations should be provided within 12 months, but no longer than 24 months, from the date of this Report.

18. Contract with an external agency to conduct an initial audit of CPD's operations for quality assurance 12 months after implementing the Commission's recommendations.

The Commission recommends that the Civilian Police Review Board, on behalf of the CPD, contract with an external agency to conduct an initial audit of CPD's operations for quality assurance.

19. Utilize the Civilian Police Review Board as an oversight body to review the CPD's handling of missing persons and sex crimes investigations on an ongoing basis.

This Commission recommends that the Director of Public Safety direct the Civilian Police Review Board to oversee the CPD's handling of missing persons and sex crimes investigations on an ongoing basis. The CPD should provide quarterly reports and regular updates to the Civilian Police Review Board on the status of investigations, case-loads, victim participation, prosecution, and any other items deemed of material concern by the Civilian Police Review Board that impact the day-to-day operations of the Sex Crimes Unit and the recommended Missing Persons Unit.

20. Contract with an external agency to survey the community's perception of the CPD and provide feedback twelve months after implementing the Commission's recommendations.

In order to ensure that the relationship between the community and the CPD is improving based on the steps taken by the CPD in response to this Report and otherwise, the Commission recommends that the Civilian Police Review Board, on behalf of the CPD, contract with an external agency twelve months after implementing the Commission's recommendations to determine whether the community's perception of the CPD is improving.

21. Complete a caseload evaluation in the Sex Crimes Unit twelve months after implementing the Commission's recommendations.

At least 12 months, but not longer than 24 months, after the implementation of these recommendations, including oversight by the Civilian Police Review Board, the Commission recommends that the Civilian Police Review Board conduct an audit and evaluation of the caseload of the detectives within the Sex Crimes Unit as well as the Missing Persons Unit to determine whether or not the caseload per detective is appropriate.

22. Continue to support criminal justice initiatives that are currently underway in Cleveland and the County.

The Commission recommends continued general support for the County Justice Reform Initiative, the Cuyahoga County Sexual Assault Response Team ("SART") and the Family Justice Center, by providing appropriate personnel and funding if necessary and available, and specifically recommends participation by the CPD at the bi-monthly SART meetings along with adoption of "best practices" created or recommended by SART.

23. Implement a community awareness, relations and education campaign.

The Commission recommends that CPD launch a public awareness, relations and education campaign using billboards, Channel 20, the internet, various media outlets, and other methods of communication. The campaign should encourage individuals in the community to report crime to the CPD with greater frequency. In addition, the Commission recommends the CPD better publicize and utilize the community meetings and safety fairs currently being held in the districts to better engage the community.

24. Partner with grassroots organizations to communicate with and educate the community.

The Commission recommends that the CPD actively seek the involvement of volunteer grassroots organizations in the police community relations monthly district meetings and other community events. The involvement of grassroots organizations in these meetings will improve the relationship between the CPD and the community and may facilitate strategic engagement of those grassroots organizations in investigations.

25. Improve partnerships with the media to enlist their assistance in missing persons and sex crimes cases.

The Commission recommends that the CPD build and improve partnerships with local media. The Commission further recommends that CPD send the list of missing persons it publishes weekly to local media outlets, and that local media publish the list on their website and in print publications, as space is available.

26. Implement recommendations from the study of the Sowell case conducted by the Federal Bureau of Investigation's Behavior Task Unit.

The Commission recommends that the CPD implement the recommendations of the Federal Bureau of Investigation's Behavior Task Unit's study that was undertaken in response to the Sowell case.

Recommendations for External Agencies

As the Commission gathered information on how the CPD investigates missing persons and sex crimes cases, the Commission realized the extent of interaction that the CPD has with agencies external to the CPD. In order to improve these interactions, the Commission recommends that the Ohio Attorney General and the County take certain steps.

The Ohio Attorney General should revise or develop best practices protocols for law enforcement related to missing persons and sex crimes investigations, increase training (and provide funding for training) at the Ohio Peace Officer Training Academy related to missing persons and sex crimes investigations, and allocate sufficient resources to the State Bureau of Criminal Identification and Investigation ("BCII") to allow for expedient processing of forensic evidence.

In addition, the Cuyahoga County Sheriff's Department should expand its role in educating the community about preventing sexual assault, and should consider funding its increased educational efforts by implementing a registration fee that sex offenders must pay when they register. Additionally, the Cuyahoga County Sheriff's Department should provide notice to all residents within a one-mile radius of the sex offender's residence (increased from 1,000 feet), both initially and when registration is renewed. The Sheriff's Department should interface more closely with the CPD to ensure that both agencies have the most up-to-date information about sex offenders.

In addition to the above recommendation that the Ohio Attorney General allocate sufficient resources to BCII for expedient processing of forensic evidence, the Commission recommends that the County process forensic evidence locally. As a temporary solution, the Forensic DNA Department at the Cuyahoga County Coroner's Office should be expanded so that it can process forensic evidence for law enforcement agencies within the County. The County should also create a permanent, stand-alone County crime lab to process all forensic evidence for law enforcement agencies in the County.

Finally, the Cuyahoga County Chiefs of Police Association should review and consider implementing the Commission's recommendations within each member's jurisdiction. This will

streamline the process for investigating missing persons and sex crimes cases throughout the County.

Implementation

It is recommended that an oversight committee of volunteers (the “Oversight Committee”) be appointed by Mayor Jackson to monitor the CPD’s implementation of the Commission’s recommendations. The Oversight Committee should be required to report to the Mayor and the community on a quarterly basis on the progress of implementation of the Commission’s recommendations. The members of the Oversight Committee should have the following areas of expertise: (i) an advocate with special training, education and experience with victims of sex crimes or missing persons; (ii) technology and system integration; (iii) law enforcement; and (iv) community relations.

The Oversight Committee should also work with the external agencies to facilitate implementation of the Commission’s recommendations.

I. Background Information

A. The Objectives

On December 9, 2009, City of Cleveland (the “City”) Mayor Frank G. Jackson appointed a Special Commission on Missing Persons and Sex Crimes Investigations (the “Commission”). Mayor Jackson tasked the Commission with the following objectives:

- Examine the City’s existing policies and practices in handling cases that involve missing persons and sex crimes to determine if the City follows its own policies.
- Research best practices from around the country and compare the same to the City’s practices.
- Recommend changes to the City’s policies and practices, if warranted.

The following report is a result of the conclusions and recommendations of the Commission (the “Report”). The scope of the Commission’s review of policies and procedures was limited to the investigation of reports that a person over the age of 18 is missing, and reports of sex crimes where the victim is over the age of 18. This Report does not include information or analysis of policies and procedures related to missing children or victims of sex crimes that are younger than 18.¹

B. The Commission

The Commission consists of Vorys, Sater, Seymour and Pease LLP (“Vorys”) attorney, Teresa Metcalf Beasley, City of Cleveland Assistant Director of Public Safety, Mary Bounds, and President/CEO of the Cleveland Rape Crisis Center, Megan O’Bryan. For more information on the Commission members, please see their biographies, which are attached to this Report as Appendix A. The Commission used an expanded team to assist with the gathering, review, and analysis of information relevant to this final report (the “Commission Team”). Information on the members of the Commission Team is attached to this Report as Appendix B. For more information on the entities that assisted with this Report, see Appendix C.

The Commission would like to extend its appreciation and gratitude to their employers, Vorys, the City of Cleveland’s Department of Public Safety, and the Cleveland Rape Crisis Center, for their unyielding dedication and support of the work of the Commission. In addition, the Commission would like to thank the City of Cleveland’s Division of Police for their unbiased support and cooperation during the past 90 days. The Commission would also like to thank each of the individuals that provided input through focus groups, community forums, interviews, anonymous input, and conversations with the Commission Team during the Commission’s field experience. It is with the cooperation and support of these groups, individuals, and the community that the Commission is able to deliver this Report and these recommendations.

¹ In October 2009, the bodies of eleven women were discovered on the property of convicted rapist Anthony Sowell. The Commission’s objectives did not include a review of the specific facts related to Sowell. It is alleged that Sowell sexually assaulted each of the victims before murdering them. Some of the victims were reported missing. As of the date of this Report, Sowell is in prison, awaiting trial.

C. Scope of Consideration

1. Missing Persons—Current State of the Problem

According to the Cleveland Police Division's ("CPD") Crime Analysis Unit, between the years 1990-2006, 62,011 people were reported missing to the CPD, of which only 12 of the reported (less than one percent) were not located. Over the past three years (2007-2009), there has been a 27% decrease in missing persons reports and a 45% decrease since the peak in 1996. The CPD received 2,552 reports of missing persons in 2008, according to the CPD's Crime Analysis Unit 2008 data.

According to the National Crime Information Center Missing Person File ("NCIC") database, 778,161 missing person reports were made nationwide in 2008. The NCIC database was implemented in 1975 to retain all missing persons records until the individual is located, or the entering agency cancels the record.

2. Sex Crimes—Current State of the Problem

Rape and sexual violence have a devastating effect in our community and society. "Sex crimes" are not simply a police matter; the crime of sexual violence and the under-reporting of this crime are serious public health and cultural issues. Sexual violence and sex crimes present a serious threat to the health and well-being of our community.

According to the CPD Crimes Analysis Unit, in 2008, there were 633 rapes (including both children and adults) reported to and investigated by the CPD, resulting in charges being filed in 142 of the reported cases. According to the U.S. Department of Justice's 2005 National Crime Victimization Study, 60% of sexual assaults are unreported. This indicates that the number of rapes that occurred in the city of Cleveland in 2008 was possibly as high as 3,165. United Way of Greater Cleveland's 2007 Core Services Report on Sexual Assault, indicated that an estimated 11% of the population (or 149,274 people) of Cuyahoga County (the "County") have been raped at some time in their lives and are in need of healing services.

Accurate local, regional, and national statistics on rape and sexual assault are hard to obtain. This is due to under-reporting as well as lack of standardization for collection of data. For example, collecting rape statistics for the County is difficult because each of the 59 communities (communities includes municipalities and townships) within the County collects and classifies its own data. The Federal Bureau of Investigation's ("FBI") Uniform Crime Report is the most consistent clearinghouse for national statistics, and where most municipalities report their data. However, there are concerns with the FBI's Uniform Crime Report because it counts only female victims over the age of 12, does not include reports of incest, and counts only "forcible" rape, which does not include unlawful sexual conduct with a minor. For purposes of its analysis, the Commission relied on the FBI Uniform Crime report statistics for consistency in comparison.

According to the National Crime Victimization Survey prepared by the Bureau of Justice Statistics, approximately 90% of rape victims are women. The National Crime Victimization Survey also concluded that people living in households with an income under \$25,000 are about

three times more likely to be sexually attacked than those living in households with an income of more than \$25,000, and that rape occurs at alarming rates across all ethnic groups.

Where sexual trauma remains unreported and untreated, there is significant cost to the community. The American Academy of Experts in Traumatic Stress reports that 97% of rape survivors will experience Post Traumatic Stress Disorder (“PTSD”) immediately after their attack, and nearly 50% will still meet the criteria for PTSD three months later.

Additionally, survivors of sexual assault are three times more likely to suffer from depression, four times more likely to contemplate suicide and 26 times more likely to abuse drugs.² Psychological trauma can be significantly reduced if the survivor has access to the appropriate crisis intervention and mental health services, while untreated trauma issues can create lifelong barriers to productivity and self-sufficiency.

Sex offender management is an issue related to sex crimes. Communities struggle with how to ensure that citizens are safe once someone convicted of a sex crime leaves prison. The management of sex offenders is accomplished through sex offender registries, where the residence, place of work, and any schools attended by a sex offender are tracked. According to the Cuyahoga County Sheriff’s Department, at the time of this Report, there are over 2,400 registered sex offenders living in the City of Cleveland.

In Ohio, sex offenders must register with the county sheriff’s office, and the county sheriff’s office is responsible for verification of residence for registered sex offenders. Verification is done by visiting the sex offender’s home and interviewing their neighbors. County sheriff’s offices are also responsible for notifying residents about a registered sex offender living in their community.

D. Goal of Recommendations

The Commission has determined that its objectives in setting forth recommendations are: (1) to encourage reporting of missing persons and sex crimes; (2) to strengthen the CPD’s investigative skills and techniques in missing persons and sex crimes investigations by ensuring that officers receive additional training; (3) to create recognized best practices in the area of missing persons and sex crimes investigations; (4) to increase awareness of resources available to victims of sex crimes (and their families) and to families of missing persons; (5) to strengthen systemic collaboration between regional criminal justice organizations; (6) to hold more offenders accountable both pre-arrest and post-arrest; and (7) to enhance the relationships between the CPD, the community, and the media by forming strategic partnerships where possible.

² Effects of Rape, <http://www.rainn.org/get-information/statistics/sexual-assault-victims>

II. Methodology

A. Stakeholder Input

In its examination of CPD law enforcement policies and practices, the Commission gathered input from the community served by the CPD and from other stakeholders and subject matter experts. This input was gathered through community forums, focus groups, interviews, and mechanisms for anonymous input.

The Commission made a commitment to all stakeholders that gave input that their comments would not be specifically attached to their names. The purpose of this commitment was to ensure that all stakeholders felt comfortable revealing their most honest thoughts, even about topics that may be difficult to discuss.

1. Community Forums

The Commission held community forums in each of the five police districts in the City. These forums were held at local libraries in each district throughout the month of February. The community forums were open to the public and were advertised on local television stations, including Channel 20, at the libraries, in print media, and by word of mouth. Staff members from the City of Cleveland, CRCC, and Vorys facilitated small group discussions at these meetings. A series of open-ended questions regarding community members' interactions with the CPD were asked. Commission members also attended each community forum to explain the purpose of the Commission and to listen to community members. Each community forum lasted for 1.5 hours. The Commission received input from approximately 75 people through the community forums. The list of open-ended questions asked at the community forums and the flyer used to advertise the community forums are attached as Appendix D.

2. Focus Groups

Six focus groups were held, comprised of individuals with a commonality of profession or experience. Individuals received an invitation to come to these groups from the Commission. These groups included professionals working in the field of substance abuse, providers of mental health services, grassroots advocates, youth, and women in an addiction recovery program. Although the Commission did not specifically look at the Sowell case, a focus group was held to speak with the Sowell victims' families in order to hear their experiences with law enforcement.

Staff members from CRCC facilitated these focus groups, where attendees were asked a series of open-ended questions about their experiences or their clients' experiences with the CPD and resources in the community. Commission members attended the focus groups to explain the purpose of the Commission and hear input from the various attendees. Focus group meetings lasted for 1.5 hours. The Commission received input from approximately 60 individuals through these focus groups. The questions asked at each forum varied based on the attendees; however, a sample of questions asked at the focus groups and a list of the entities represented at the focus groups are attached as Appendix E.

3. Interviews

The Commission conducted around 40 interviews with individuals from various fields including law enforcement, prosecution, medicine, public officials, and subject matter experts with advanced knowledge in a particular field. These individuals were asked questions developed specifically to enhance the Commission's understanding of their area of expertise.

Commission members conducted the interviews, with at least two Commission Members being present for each interview, as well as members of the Commission Team. Interviews normally lasted 1-2 hours.

Staff members from CRCC also performed short telephone interviews with sexual assault survivors who had reported their assault to the police. The questions used for the focus groups were also utilized for these interviews. The questions asked during each interview varied based on the interviewee; however, an example of questions asked at the interviews and a list of the individuals interviewed is attached as Appendix F.

4. Anonymous Public Input

The Commission provided a voicemail, email address, and U.S. mail address for the use in giving anonymous public input. The purpose of providing an opportunity for this method of input was to break down any barriers caused by lack of transportation or concerns about anonymity, especially given the sensitive nature of information related to sex crimes and missing persons. Information about these input mechanisms was promoted and distributed by media, word of mouth, and individual contacts. The contact information was advertised alongside the community forums and distributed at all community forums. The community was encouraged to share perceptions of, and experiences with, the CPD, as well as ideas for improvement in the subject areas.

B. Field Experience

In order to better understand the policies, procedures, and practices of the CPD, the Commission participated in several methods of field research. These methods included police ride-alongs and multiple site visits.

The Commission participated in police ride-alongs in the fourth and fifth districts of the CPD. Commission members rode along with individual officers while they performed their usual patrol in zone cars. During these ride-alongs, the Commission was able to see first-hand how a missing persons search was conducted. The Commission was also able to observe roll call practices, working conditions, morale, and how law enforcement responded to calls and interacted with the public.

The Commission went on a tour and visit of the Communication Control Section for the CPD. Here, the Commission was able to observe dispatch practices for both law enforcement and Emergency Medical Services as they relate to sex crimes and missing persons calls to 911. During this visit, the Commission interviewed individuals working at the Communication Control Section ranging from call takers to supervisors to the commander.

The Commission Team also visited the Sex Crimes Unit of the CPD in the Justice Center. The Commission had the opportunity to speak with several Sex Crimes Unit detectives and supervisors in charge of the unit, tour the Sex Crimes Unit, and review case files and technology.

The Commission also visited the Northeastern Ohio Regional Fusion Center (the “Fusion Center”) at the Justice Center and interviewed staff members at each site. The mission of the Fusion Center is “to facilitate and enhance the level of inter-agency communications, intelligence analysis, and information sharing among federal, state, and local stakeholders and the public and private sectors.” The Fusion Center is not a law enforcement agency; however it presents significant opportunity for analysis of information across physical borders and various levels of government. The Fusion Center primarily serves a five county area consisting of Ashtabula, Cuyahoga, Lake, Lorain, and Geauga Counties, but works with all counties in the State of Ohio as necessary.

C. SWOT Analysis

The Commission conducted a SWOT analysis of the CPD. SWOT analysis is a strategic planning method used to evaluate the strengths, weaknesses, opportunities, and threats to an organization’s ability to achieve its objectives. Strengths are the attributes of the organization that are helpful in achieving objectives. Weaknesses are attributes that are harmful to achieving objectives. Opportunities are external conditions that are helpful to achieving objectives. And, threats are external conditions which could do damage to the objectives.

SWOT analysis is useful in many organizations for pre-crisis planning and preventive crisis management. It is also used as process for creating recommendations for achieving organizational objectives.

D. Comparison Police Departments

In addition to the stakeholder input, the Commission engaged in a careful analysis of the CPD’s internal policies, which are referred to by the CPD as General Police Orders (“GPO”), regarding the investigation of missing persons and sex crimes. The Commission began by completing a thorough legal analysis of the CPD’s GPO No. 6.2.10 on missing persons investigations (“Missing Persons GPO”) and the CPD’s GPO No. 6.2.09 on sex crimes investigations (“Sex Crimes GPO,” and collectively with the Missing Persons GPO, the “GPOs”). The Commission also reviewed the CPD’s Sex Crimes Unit Manual. This legal analysis included legal research on requirements imposed on the CPD by state and municipal law. The CPD Missing Persons GPO, along with an executive summary of the Missing Persons GPO and a detailed memorandum regarding the Missing Persons GPO, is attached to this Report as Appendix G. The CPD Sex Crimes GPO, along with an executive summary of the Sex Crimes GPO and a detailed memorandum regarding the Sex Crimes GPO, is attached to this Report as Appendix H.

After gaining a clear understanding of how the CPD is required by its GPOs to respond to reports of missing persons and sex crimes, the Commission analyzed how police departments across the country investigate missing persons and sex crimes reports. The Commission analyzed sixteen comparison police departments in cities across the United States (the

“Comparison Police Departments”). The Commission conducted extensive legal research to analyze the investigative steps each Comparison Police Department is required to take in response to reports of missing persons or sex crimes according to: (1) state law; (2) municipal law; and (3) the police department’s internal policy.

The results of the legal research are fully set forth in the attached Appendices. Appendix I includes a detailed and summary memorandum of each of the Comparison Police Department’s responses to missing persons reports. Appendix J includes a detailed and summary memorandum of each of the Comparison Police Department’s responses to sex crimes.

The 16 Comparison Police Departments that were analyzed are: (1) Atlanta Police Department (Atlanta, Georgia); (2) Austin Police Department (Austin, Texas); (3) Baltimore Police Department (Baltimore, Maryland); (4) City of Bedford Heights Division of Police (Bedford Heights, Ohio); (5) Burlington Police Department (Burlington, Vermont); (6) Charlotte-Mecklenburg Police Department (Charlotte, North Carolina); (7) Chicago Police Department (Chicago, Illinois); (8) Cincinnati Police Department (Cincinnati, Ohio); (9) Columbus Division of Police (Columbus, Ohio); (10) Kansas City Police Department (Kansas City, Missouri); (11) City of Parma Police Department (Parma, Ohio); (12) Philadelphia Police Department (Philadelphia, Pennsylvania); (13) Pittsburgh Bureau of Police (Pittsburgh, Pennsylvania); (14) Toledo Police Department (Toledo, Ohio); (15) Virginia Beach Police Department (Virginia Beach, Virginia); and (16) Warrensville Heights Police Department (Warrensville Heights, Ohio).

The Comparison Police Departments were selected by the Commission for a range of reasons, including but not limited to, number of officers relative to the city’s population, demographics of the city, recommendations from individuals and organizations familiar with many police departments in the United States, and their location relative to Cleveland.³

The Commission would like to thank each of the Comparison Police Departments for their cooperation and responsiveness to the Commission Team’s requests for information.

In addition to the Comparison Police Departments, the Commission analyzed the International Association of Chiefs of Police (“IACP”) model policies for the investigative response to a report of a missing person or a sex crime, and the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (“OAG Missing Persons Best Practices Protocol”). The IACP model policies for the investigation of missing persons and sex crimes are attached to this Report as Appendix K. The OAG Missing Persons Best Practices Protocol is attached to this Report as Appendix L.

After analyzing each Comparison Police Department, the Commission compared their responses to reports of missing persons and sex crimes to the response of the CPD. The Commission analyzed the differences between the Comparison Police Departments in terms of the state and local requirements imposed by law and in terms of the internal department policies to determine if any recommendations for changes to state or local law, or the CPD’s GPOs, were

³ The Bedford Heights Division of Police, the Toledo Police Department, and the Chicago Police Department did not provide the Commission with information on their sex crimes policies and it is the Commission’s understanding that these police departments may not have a sex crimes investigation policy in place. Warrensville Heights did not have a sex crimes policy.

warranted. Comparison charts summarizing this analysis are attached to this Report as Appendix M.

III. Analysis of Stakeholder Input

A. Introduction

As the Commission gathered stakeholder input, common themes emerged. The themes that emerged from community forums and focus groups were very similar; therefore these two areas are analyzed together below.

Themes also emerged from the interviews with subject matter experts based on their areas of expertise. Opinions expressed in this format varied more widely than that of focus groups and community forums, and many interviewees provided very specific recommendations for the improvement of systems associated with law enforcement.

B. Community Forums and Focus Groups

The community forums and focus groups produced similar themes about perceptions of, and experiences with, the CPD. The Commission recognizes that public perception of law enforcement that emerges from public meetings is often skewed because those who have had a negative experience are more likely to attend.

Some individuals attending community forums and focus groups reported positive experiences with the police. They reported instances where the CPD was responsive, compassionate, and respectful. Police believed them when they reported a crime and worked with them to investigate the crime in an efficient and effective manner. Officers showed concern for individual situations and for the safety of the community overall.

However, many people reported that interaction with the CPD and the resulting willingness to carry out an investigation “depends on the officer you get.” Related to this idea, a major concern of the public and the special populations that provided input through the focus groups was the culture of the police. The Commission repeatedly heard that people are afraid of the police and had negative interactions with the CPD in the past. They had found police unresponsive to their concerns or to have responded more slowly than they would have liked. Community members felt that the police did not treat them with respect or kindness in their interactions around reporting crimes, and that they were instead regarded with suspicion. People felt that the police had a generally poor attitude toward them.

Community members reported that they did not know the police officers in their neighborhoods in the same way they had in the past. They noted that “the police stay in their cars and do not interact with us” and that “kids used to run toward the police, and now they run from them.” Community members were concerned that some of the issues with negative police interaction come from the community’s overall disdain for law enforcement. Police are thought of as a last resort and not a resource that people would seek out if they needed help. The public was concerned that police officers may live or move outside of the city and do not relate with “urban issues.”

There were a number of other barriers that people in the community felt they encountered in working with the CPD. One was the attitude of the police. The community also indicated that barriers to reporting crimes include an individual's history of drug use, a history of prostitution, and mental illness on the part of the reporting person.

There were many concerns about making a police report. Community members reported that they were afraid that police would question the reporting person, even going so far as to run a criminal history check on that person. The public identified that a barrier in reporting a sexual assault or missing person is that the reporting person has a criminal history or a warrant currently out for his or her arrest.

One theme that emerged from people who had reported crimes is that it is unclear what happens after a crime is reported. Individuals that had reported persons missing often stated that they did not know what police were doing to look for their loved one, how to follow up with the police, or where to turn for support. People noted that some sort of literature that would tell them "next steps" after a police report was made would be very helpful. This lack of understanding about the process of police investigations creates the appearance in the public eye that police are not being responsive to reports.

Individuals who had reported missing persons or sex crimes reported that they received little follow-up from the police. They felt that they had to repeatedly and assertively contact law enforcement to get information about the progress of their case. People felt that the police did not care about their case and were not supportive. It was specifically noted that police "do not care about missing adults." It was repeatedly stated that people had to use their own resources and conduct searches through informal processes in an effort to locate missing persons.

Community members felt that training was of vital importance to police officers. Many individuals noted that they felt the police needed "sensitivity training." In the focus groups, those who worked with specific populations noted that the police could benefit from more training in working with these populations, such as persons struggling with addiction and persons suffering from mental illness.

When asked what an ideal missing persons investigation would look like, people responded that the reporting person would be believed and thought to be credible. The police would respond in a timely manner to a request to make a report. The public thought there should be a specific protocol that officers are required to follow in all cases and that the police should not be biased or selective in which cases they investigate. Officers should follow-up with the reporting person. Families would have an understanding of what was happening in the investigation and the next steps.

The public also wished that the community could become more involved in missing persons investigations. Community members noted that families should be encouraged to report a missing person right away and share as much information as possible with law enforcement. Many individuals in the community mentioned their desire for a missing persons unit in the City or for the entire county. Community members felt there should be more communication across different municipalities and collaboration among different agencies.

When asked what an ideal sex crimes investigation would look like, people responded that the police would treat victims with compassion. The victim should always be believed by officers. Many individuals thought that female officers should be available for sex crimes cases. Victims would have an understanding of the next steps in the investigation process.

In regards to both types of cases, community members indicated that they would like the police to make families of missing persons and victims of sexual assault aware of any community resources that are available to help them.

C. Anonymous Public Input

The anonymous public input allowed individuals to give input without the barriers of traveling, paying to go somewhere, or concerns about privacy. The Commission received several communications through anonymous public input. Some of this input expressed concerns about treatment from the police that mirrors the concerns summarized above in the analysis of the community forums and focus groups. It should be noted that some of the anonymous input was gratitude that the Commission was taking on these complex issues.

D. Interviews

The opinions expressed during individual interviews varied widely. The Commission interviewed national experts on law enforcement and individuals from many levels of the City of Cleveland's Department of Public Safety and CPD, as well as regional, state, and federal law enforcement agencies. Prosecution was the area of expertise the Commission examined closely by conducting interviews with state and local subject matter experts. There were several common themes expressed about law enforcement in general, as well as specific ideas about missing persons and sex crimes.

1. General Interview Themes

Many interviewees recognized that additional training is critical to police officers. Interviewees generally agreed that any officer can benefit from training, whether there is more training in the police academy or additional continuing education. There was general recognition that the amount of training officers receive is influenced by funding, and that topics of the training vary widely.

Another theme that emerged was the importance of technology and manageable data systems. The City and the County currently use several different data entry systems, including the CPD's Record Management System ("RMS") and the Cuyahoga Regional Information System ("CRIS"). The different systems utilized by law enforcement are not connected to one another, making information-sharing time consuming and difficult. There are 59 communities (communities includes municipalities and townships) in the County and interviewees indicated that each has its own information system and that there is no formalized process in place to share information. Many interviewees felt that information could be shared more effectively across departments, across jurisdictions, and among different levels of systems – city, county, regional, state and federal. Information sharing is the purpose behind developing the Fusion Center in Cleveland, which several interviewees mentioned.

Interviewees believed that there is a lack of trust of the law enforcement system in general and also among different parts of the system. During interviews with members of the CPD, some interviewees indicated that they are transparent to the public and to other law enforcement agencies. However, outside individuals and other law enforcement agencies perceived the CPD as non-transparent and not effective at sharing information.

In many interviews there was discussion around the idea of whether centralized units or detective bureaus in districts better serve the law enforcement needs of the community. Currently, in the City, the district detective bureaus handle missing persons cases and sex crimes are handled by the Sex Crimes Unit, located downtown in the Justice Center. The benefit of having any type of investigation take place in the districts was identified as being that the detectives involved would be more familiar with the neighborhood and its residents. Interviewees identified that a benefit of having a centralized unit that works a specific type of case is that information sharing can happen quickly and patterns of crime may be detected more quickly.

2. Missing Persons

One of the main issues identified on missing persons investigations was how to best utilize resources to find individuals who are truly missing and in danger. Several interviewees noted that they would like to see the definition of “endangered missing adult” widened in police protocol. However, interviewees also identified the concern that too many resources could be put forward in looking for an adult who simply does not want to be found. Many noted that, “there is no law saying that an adult cannot go missing.” This idea must be balanced against the overall safety of individuals and the community.

Information sharing was a major issue in missing persons cases. Interviewees noted that a person who is missing does not recognize city or district boundaries and that information must be shared among these parties in order to locate a missing person. Also identified was a concern that families of missing persons could not easily determine how and where to make a missing persons report. Interviewees were not sure if persons should be reported in the area where the person went missing or in the area of that missing person’s residence. Several interviewees noted that it would be best if a person could make a missing persons report anywhere and be guaranteed that an investigation would begin.

Interviewees also generally expressed concern that people would be unwilling to report a loved one missing because of their own personal history. One interviewee suggested that there should be an anonymous method of reporting a person missing. Interviewees also indicated that it would be helpful for the community to be able to post missing persons information, possibly on a website.

Discussion with interviewees often focused on the question of whether there should be a missing persons unit. Several interviewees liked this idea because it could potentially centralize and streamline missing persons information, allowing patterns and trends to be identified. However, other interviewees expressed concern that a missing persons unit would remove detectives familiar with neighborhoods and residents from the process of searching for a missing person and that this would cause a greater disconnect between the police and the community.

3. Sex Crimes

The issue of the volume of cases the Sex Crimes Unit receives came up frequently in interviews. Opinions on this topic varied from the idea that “no one in this department is overworked” to “the number of cases is completely overwhelming.” The Sex Crimes Unit receives reports for any type of sex crime that occurs in the City and all child abuse reports that the Cuyahoga County Department of Children and Families receives. The unit currently has 10 active detectives and three supervisors. An active detective is a detective currently taking new cases. A detective may be considered inactive for reasons such as being on medical leave. At any given time a detective has approximately 30 open cases, according to interviewees.

The workload and nature of the crime being investigated by the Sex Crimes Unit was a matter of concern due to the potential for burnout and mental health issues. Detectives were not aware of available resources to help them handle the high-stress nature of their jobs.

Reports of sex crimes arrive at the Sex Crimes Unit via fax from the patrol officers’ supervisor. A supervisor reads these reports and assigns the case to a detective. According to interviewees, there can be delays in getting a case assigned because detectives may be out in the field conducting other investigations or in court testifying on other cases. This can lead to a delay in investigation and to victims having to follow up with the detective.

The potential time delay in assigning cases was also a concern because when a suspect has already been identified and arrested, the suspect typically must come before a judge within 48 hours of arrest. It is the Commission’s understanding that an extension may increase this time period to 72 hours, but several interviewees noted that this is a very short time period in which to investigate such a complex crime.

Interviewees reported that one of the primary issues in investigating a sex crime is inability to locate the victim. Although detectives attempt to contact victims by phone, in person, and by certified letter, an estimated 30% of cases cannot go forward because the victim cannot be located or is deemed “uncooperative.”

Many interviewees expressed concern about the current process for assigning officers to the Sex Crimes Unit, which is established in the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen’s Association. Under this agreement, half of the openings in this unit are “picks,” where a supervisor may choose from the applicants for the position; the other half are “seniority,” where an officer is assigned to the unit based on the number of years they have worked for the Division of Police. There is a process for removing detectives who are not a good fit for the unit, but the process must be implemented within 90 days of the detective’s assignment to the unit.

Finally, several interviewees discussed the process for reviewing a sex crime case and bringing it forward to prosecution. The current process that was described is that a Sex Crimes Unit detective takes the case to a City of Cleveland prosecutor; the case is reviewed by this prosecutor to determine if there is enough evidence to bring charges against a suspect. If there is enough evidence to go forward, the detective is directed to take the case to the County prosecutor so that a suspect may be charged. If there is not enough evidence to go forward, then a detective

must either try to collect more evidence or the case has come to a “dead end.” There were some interviewees that liked the process of taking cases to the City of Cleveland prosecutor before they went to the County prosecutor. Other interviewees thought that cases should be reviewed by County prosecutors because sex crimes cases are prosecuted by County prosecutors. These interviewees thought that review by the City prosecutor was an unnecessary extra step and that the City prosecutors, who do not prosecute sex crime cases, may not be in the best position to determine whether cases should go forward.

It was repeatedly noted during interviews that a sex crimes investigation is never closed; it can always be re-activated if new evidence is presented.

IV. Analysis of Field Experience

A. Ride-Alongs

Ride-alongs in the fourth and fifth districts gave the Commission an idea of the challenges that patrol officers face in their work and also their relationship with the community. The patrol officers observed were polite to citizens. The patrol officers mostly stayed in their car throughout the ride-along, aside from following up with citizens who had made missing persons reports. The Commission witnessed positive and professional communication with families of missing persons, and similarly, these families reported satisfaction with the performance of officers searching for their missing loved ones.

The ride-alongs brought up concern regarding efficiencies and use of patrol officers’ time. For example, when learning a missing person had been found after following up with a complainant, the patrol officer had to drive back to the district to make confirmation phone calls and fill out paperwork that was then faxed downtown. This process, observed on several occasions, took approximately 45 minutes, including drive time. The Commission wondered if there could be a more efficient technology within the zone car to complete this step.

B. Dispatch

Similarly, the site visit to the Communication Control Center was useful for understanding the step-by-step process that takes place when a call for service is received. The Commission noted the use of adequate technology, a clean and professional environment, and strong question and answer practices, training practices, and mental health support practices.

C. Sex Crimes Unit

The detectives and supervisors in the Sex Crimes Unit seem dedicated to their jobs. The detectives explained the protocol for contacting victims and seemed to be knowledgeable about evidence collection. During the site visit, detectives reported a workload of about 30 open cases per detective. The site visit to the Sex Crimes Unit was helpful in seeing what a survivor of sexual assault would see when they came to make a report. The atmosphere of the Sex Crimes Unit is not victim-friendly. It is crowded, dingy, and disorganized. There is little privacy available to an adult who wants to make a report, except for an interview room that is intended for suspects. There is a victim-friendly interview room for children who have survived a sexual assault.

Sex Crimes Unit detectives reported a strong partnership with the Cleveland Rape Crisis Center for advocacy and training. Detectives indicated a need for audio and video equipment, along with an improved interview room to conduct interviews of victims.

Commission members were impressed with the overall dedication of the detectives and supervisors in the Sex Crimes Unit. The Commission observed a high level of stress associated with the job responsibilities of the Sex Crimes Unit. There is a concern about the potential for burn-out among the detectives. The Commission is also concerned about the toll of the public scrutiny on the Sex Crimes Unit associated with the Anthony Sowell tragedy.

Detectives had a desire for better technology and equipment including desk top computers, printers for the field, and City-issued cell phones.

D. Fusion Center

Upon visiting the Fusion Center, the Commission learned first-hand about inter-agency communications, intelligence analysis and information sharing among federal, state, and local stakeholders. The use of technology at the Fusion Center was impressive. Commission members observed a professional and clean environment conducive to information sharing and collaboration amongst staff members. The Commission observed potential opportunities for a physical presence of Cleveland law enforcement, specifically in the area of missing persons. This could benefit the community through information-sharing and crime mapping and analysis.

E. Justice Center/Division of Police

When trying to enter the Justice Center and the Division of Police, Commission members observed a high level of difficulty in entering the buildings. Based on the Commission's observations, the Justice Center and the Division of Police are not victim friendly and are difficult to navigate. Additionally, based on the Commission's experience, the persons guarding the entrance to the Justice Center and Division of Police seemed to have a lack of knowledge about the location of certain services and people within the buildings. The Commission understands that the entrance to the Justice Center is staffed by the Cuyahoga County Sheriff's Department and the entrance to the Division of Police is staffed by the Division of Correction, and not the CPD. Nevertheless, to the public the differences in uniforms are not easily noted and they believe they are at all times dealing with the CPD.

V. SWOT Analysis

The Commission engaged in a high-level analysis of the CPD's strengths, weaknesses, opportunities, and threats (SWOT).

The Commission identified three areas of strength for the CPD: organization, policy and training. The Commission specifically noted that a strength was the dedication of staff and leadership in CPD. Additional strengths included the CPD's annual in-service training program for officers, which exceeds requirements established by the State of Ohio, and the CPD's Missing Persons GPO. There were weaknesses identified in five areas: policy, training, organization, culture, and communication. The Commission identified a need for increased training, including training on missing persons and sexual assault, interview techniques, the

initial response of patrol officers to a request for assistance, and report writing. In terms of communication, there were weaknesses in sharing and timely flow of information. Lack of current data systems and technology were also a hindrance to effective communication.

There are significant opportunities available to the CPD in terms of communication, collaboration, partnership and policy. Opportunities for collaboration and partnership include the Fusion Center, the FBI in Cleveland, the Cuyahoga County Sheriff's Department, the currently-forming Family Justice Center, and the Cuyahoga County Sexual Assault Response Team. Many of these opportunities are already being utilized to some extent and can be strengthened or expanded. Threats to the CPD were the CPD's culture, the community's perception of the CPD, and fragmented systems. The Commission recognizes the threat created by the economic downturn resulting in residents leaving the City. Additionally, the CPD may face unrealistic expectations from the public, and pressure to do more with less in difficult economic times.

VI. Analysis of Comparison Police Departments

A. Missing Persons Investigations

1. Overview: The CPD Missing Persons Investigation Requirements

This section of the Report will briefly summarize the Ohio state law requirements related to missing persons investigations imposed on all law enforcement agencies in Ohio, and analyze whether the CPD is in compliance with Ohio state law. Next, this section will summarize the CPD's Missing Persons GPO, which sets forth the requirements that the CPD must follow when it receives a report of a missing person. Finally, this section breaks down the investigative response to a missing persons report into its general components and analyzes the practices of the Comparison Police Departments during each general component to determine if there are better practices that the CPD should incorporate into its Missing Persons GPO. The Commission sets forth its recommendations related to the Missing Persons GPO in the Recommendations Section of this Report.

It is important to note that the scope of the Commission's review was limited to the policies and procedures related to missing adults over the age of 18. The policies and procedures related to missing children are not set forth in this Report.

2. The Ohio State Law Requirements Relevant to Missing Persons

The CPD's response to a report of a missing person is governed by Ohio state law and the CPD's Missing Persons GPO. Ohio state law defines a "missing person" as a person that is 18 years of age or older and (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary.

Under Ohio state law, the CPD is required to adopt a written policy establishing reasonable procedures that its officers will follow upon receiving information that a person may be missing. The Ohio Attorney General is required to publish and distribute the OAG Best

Practices Protocol, a best practices protocol for investigating missing persons to all law enforcement agencies in Ohio.

Ohio state law also requires the CPD to enter all information about certain persons reported missing into the NCIC database. The NCIC reporting requirements vary based on: (1) the age of the person reported missing; and (2) the circumstances under which the person went missing.

If the person reported missing is between the ages of 18 and 21, the law enforcement agency must enter into the NCIC database all information contained in the missing person report immediately upon receipt of the report and upon receipt of additional information. If the person reported missing is over the age of 21, and no foul play is suspected, the law enforcement agency must enter the information contained in the missing person report into the NCIC database within 30 days of receipt of the report. If the person reported missing is over the age of 21, and foul play is suspected, the law enforcement agency must enter the information contained in the missing person report into the NCIC database within seven days of receipt of the report. If the person reported missing is over the age of 21 and foul play is not initially suspected, but is discovered within seven days of the initial report, the law enforcement agency must enter the information contained in the missing person report into the NCIC database within seven days of the initial report. If the person reported missing is over the age of 21 and foul play is not initially suspected, but evidence indicating foul play is discovered eight or more days after receipt of the initial report, the law enforcement agency must enter the information contained in the missing person report into the NCIC database within 48 hours of discovering evidence of foul play.

The OAG Best Practices Protocol lists the NCIC reporting requirements mandated by Ohio state law, briefly lists a series of questions that an officer taking a missing persons report should attempt to answer, including whether the case is a missing person case or another type of case (depending on the missing person's age, mental and physical well-being, and family and social environment), and whether foul play is suspected, and suggests that the officer consider the steps that can be taken to locate the person and other agencies that may be of assistance.

3. Summary of Investigative Steps from CPD Missing Persons GPO

The CPD's Missing Persons GPO is a written policy that complies with the Ohio state law requirement that all law enforcement agencies adopt written policies establishing reasonable procedures to follow when a person is reported missing. However, the CPD Missing Persons GPO does not define "missing person" or provide detailed information on when information about a person reported missing is required to be entered into the NCIC database, other than to state that the information must be entered within the "allotted time." Additionally, the CPD Missing Persons GPO classifies its missing persons reports using categories different from those used in Ohio state law without providing clarifying information about the timing of NCIC reporting for the different categories.

Overall, the CPD Missing Persons GPO is in compliance with Ohio state law requirements. However, in its current form, an officer would be required to refer to the relevant Ohio statutes to determine: (1) the definition of a missing person; and (2) the time period within which information must be submitted to the NCIC database. Additionally, the officer would

have to determine how the CPD Missing Persons GPO categories of missing persons reports mesh with the Ohio state law categories for purposes of reporting to NCIC. The CPD Missing Persons GPO should be clarified so that an officer can rely exclusively on it to determine the appropriate response to a missing person report, without referring to external sources for information.

The steps that the CPD follows in order to locate persons reported missing, as set forth in the Missing Persons GPO, are outlined below.

a) Initial Report

An officer will generate a missing persons report that must include a title that provides details on the circumstances of the person (i.e. endangered, disability, etc.). The officer will also have the next of kin complete a Release Form that permits the CPD to release photographs to the public and to obtain medical and dental records. The officer sends the report to the missing persons liaison in the district and the CPD's Record File Section. The missing persons liaison in the Record File Section will enter the information from the report into the required databases, and will maintain a copy of the Release Form.

When the initial missing persons report is taken, the investigating officer must contact:

- The Warrant Unit
- The Report Intake/Review Unit (to determine if missing person is in hospital)
- The Cuyahoga County Coroner's Office
- If a vehicle is involved, the CPD's Communication Control Section to determine if the vehicle was towed
- The Alzheimer's Association (if dementia or Alzheimer's is involved).

Additionally, if a person reported missing is last seen near a body of water, the CPD's Communications Control Section will notify the Coast Guard.

b) Reporting

The CPD Missing Persons GPO requires the CPD to enter information about persons reported missing into the NCIC database, the state of Ohio's Law Enforcement Automated Data System ("LEADS"), and the CPD's internal Record Management System ("RMS"). The CPD Missing Persons GPO states that all information must be entered into the NCIC "within the allotted time," but does not further define "allotted time."

The CPD Missing Persons GPO creates sub-categories of missing person reports that must be entered into the NCIC database that are in addition to the general categories set forth in the Ohio state law requirements. Information about a missing person report must be entered into the NCIC if: (a) a disabled person of any age is reported missing; (b) a person of any age is reporting missing under circumstances that indicate the person's physical safety may be in danger; (c) a person of any age is reported missing under circumstances that indicate the disappearance is involuntary; (d) a person of any age is missing after a catastrophe; or (e) a

person older than 18 is missing under circumstances that create a reasonable concern for the person's safety.

The officer will forward the original NCIC form, along with a photograph (if available) to the Record File Section. The officer will also forward a duplicate of the NCIC form and photograph to the missing persons liaison.

The RMS report must include the following information:

- Name, age, address, and telephone number of each person interviewed
- Relationship between the reporting person and the missing person
- Name and address of the natural (or step/foster) parents of the missing person
- For Missing Endangered/Elderly adult, the names and addresses of other family members in the area
- Complete name, date of birth, birthplace, SSN, school attended, grade, physical and clothing description (scars, tattoos, marks) and all other relevant physical descriptive information
- Information on habits, friends, and places the missing person commonly visited
- Medical conditions/current medication, treating physician/dentist, hospital
- Year, make, model, color and license of the missing person's car
- Notation of whether NCIC form was completed
- Notation of whether an all channels broadcast was made or requested
- Notation of any alerts issued.

The missing persons liaison will ensure that the CPD's internal report contains all requisite information, that follow-up is entered into the RMS in a timely manner, that the information is entered into the NCIC database in a timely manner, and that all validation procedures relative to the NCIC report and any LEADS reports are complied with in a timely manner.

c) Additional CPD Responses

A supervisor must respond to a missing persons report if: (a) the missing person has shown suicidal behavior; or (b) an NCIC report was filed. The supervisor will assign a zone car to follow up if the person reported missing has a serious medical condition or the missing person report is categorized as an "Endangered/Elderly Adult." The zone car will continue to follow up on the missing Endangered/Elderly Adult until the missing Endangered/Elderly Adult is located or as directed by the district commander. The term "Endangered/Elderly Adult" is not further defined in the CPD Missing Persons GPO. However, it appears that an Endangered/Elderly Adult is an adult for whom an Ohio Missing Adult Alert can be issued. An Ohio Missing Adult Alert is a LEADS based alert system that notifies the public and media about missing adults. The criteria that must be met to issue an Ohio Missing Adult Alert are: (a) the CPD confirms that the person is missing; (b) the disappearance presents a credible threat of immediate danger of serious bodily harm or death; and (c) the CPD has sufficient information to indicate that activation of the alert will help locate the individual. An Ohio Missing Adult Alert is a LEADS based alert system that notifies the public and media about missing adults.

If an Ohio Missing Adult Alert is issued, a Missing Child/Missing Endangered/Elderly Adult Alert Form shall be faxed to the CPD's Communications Control Section. The Communications Control Section will initiate a broadcast to all districts, and fax a Missing Adult Alert to each district, which will be read at subsequent roll calls. Additionally, the commander of the district of occurrence and the Public Information Officer ("PIO") will be paged immediately. The PIO and the Deputy Chief of Field Operations will determine whether the media should be asked to air the information.

If a person reported missing is not located for a period of 30 days, the investigating detective will obtain the dental records of the person reported missing and forward them to the missing persons liaison.

d) Person Reported Missing is Located

If a person reported missing is located, the investigating officer shall make every effort to personally identify the individual. If the person is located outside of the CPD's borders, the officer will request that the appropriate foreign police department personally identify the individual.

When the officer has verified that the person reported missing has been located, the officer will promptly complete an RMS supplement report. The RMS supplement report will state whether the individual returned of his own volition or was located by others, and where the person was found. Additionally, the officer will notify the Communications Control Section immediately, and the Communications Control Section supervisor will write "cancelled" on all required forms and fax them to the PIO and all police districts.

4. Analysis of Comparison Police Departments' Responses During General Components of a Missing Persons Investigation

The Commission reviewed the written policies of the Comparison Police Departments, but did not analyze whether the written policies are being followed. The Comparison Police Departments' policies are broken down into their component parts and analyzed below.

a) Structure of Police Departments: Investigative Responsibility

In adult missing persons cases, there are two categories of responsibility: (1) the investigative responsibility; and (2) the administrative responsibility. The administrative responsibility will be discussed below under the heading "Structure of Police Departments: Administrative Responsibility." Within the investigative responsibility, there are two categories: (1) the initial response; and (2) the follow-up investigation. Some of the Comparison Police Departments create a separate unit or position within the department to handle one or both of these responsibilities, while others do not separate the investigative responsibility for missing persons reports from any other report of a crime. An additional option is regional collaboration for one or both responsibilities.

An example of a separate investigative unit within the police department that conducts the initial response is the Cincinnati Police Department's Emergency Search for Missing or

Endangered Team (“ESME”). This structure will be discussed below under the heading “Initial Response.”

An example of a separate investigative unit within the police department that handles the follow-up investigations is the Austin Police Department’s Missing Persons Unit (“Austin MPU”). The Austin MPU is responsible for investigating reports of missing persons and certain crimes committed against children. A detective from the Austin MPU is available at all times; during normal working hours, one or more detectives are available and after normal working hours, an on-call detective can be contacted. The Austin MPU detective is responsible for: (1) determining if a missing person report is a “Request to Locate” or a “Missing Adult” (if the patrol officer or sergeant did not previously make the determination); and (2) investigating the report.

Another example of a separate investigative unit that handles follow-up investigations is the Pittsburgh Bureau of Police’s Missing Persons Unit (“Pittsburgh MPU”). The Pittsburgh MPU is responsible for investigating reports of missing persons when there is reason to believe that the person reported missing is the victim of a violent crime or kidnapping. Additionally, if the missing person has not been located for a period of five days from the date the initial missing person report is taken, the Pittsburgh MPU takes over the investigation. Officers from other units are encouraged not to contact the Pittsburgh MPU unless the person reported missing is the victim of a violent crime or kidnapping or a period longer than five days has passed.

The Charlotte-Mecklenburg Police Department and the Virginia Beach Police Department also have separate missing persons units that have the responsibility for follow-up investigations of missing persons reports.

The Cincinnati Police Department provides a strong example of regional collaboration for the investigative responsibility. The Hamilton County Urban Search and Rescue Task Force (“USAR”) is a regional response team that is trained to conduct large area searches for missing or lost persons. The Cincinnati Police Department can seek the assistance of USAR during its investigation for a person reported missing if: (i) the missing person is non-violent; (ii) the search is beyond the capabilities of a canine unit; and (iii) the area to be searched is large. The Cincinnati Police Department’s on-scene supervisor maintains authority over the scene, and USAR remains under the tactical supervision of the USAR officer in charge. If no area search is required, the follow-up investigation is conducted by the Personal Crimes Unit of the Criminal Investigations Section of the Cincinnati Police Department.

The CPD does not have a separate missing persons unit. The investigative function is performed by patrol officers.

b) Structure of Police Department: Administrative Responsibility

Missing persons cases may require extended periods of follow-up investigation and case management related to reporting requirements. Many of the Comparison Police Departments have procedures in place to manage long-term missing persons cases. While this section is referred to as the “Administrative Responsibility,” a major component of the administrative responsibility is ensuring that all possible investigative steps are taken.

For example, the Philadelphia Police Department has a Long-Term Missing Persons Unit (“Philadelphia LTMP”). The Philadelphia LTMP handles missing persons cases where the person reported missing has not been located after a period of 30 days from the date the initial report was taken. The Philadelphia LTMP can handle approximately 120 missing person cases at one time, and considers its function to be 70% investigative and 30% administrative. The Philadelphia LTMP categorizes all missing persons reports into eight groups, which shape the steps of the investigation.

The North Carolina Center for Missing Persons (“NC Center”) performs a portion of the administrative responsibility for the Charlotte-Mecklenburg Police Department. The NC Center is a statutorily established agency that serves as a central repository for information regarding missing persons. The NC Center assists local law enforcement agencies with entering data into the NCIC database, gathers and distributes information about persons reported missing, works towards maximum cooperation with other state, federal, and local agencies to render assistance to missing persons and their families, and cooperates with interstate and federal efforts to identify deceased individuals. The NC Center also provides information to the Police Information Network, which is a statewide system that analyzes certain law enforcement statistics and disseminates the information to participating law enforcement agencies. In addition, the NC Center maintains a 24-hour toll-free telephone service that assists families and law enforcement in need of immediate assistance. The NC Center also compiles and publishes data on the actual number of persons reported missing each year, including the classification of the missing person report, if available. Finally, the NC Center maintains a directory of resources related to missing persons, provides follow-up referrals for services to families of missing persons, and encourages research and study related to missing persons.

A similar centralized repository for information on missing persons is created under Missouri state law. In Missouri, the State Highway Patrol has a Missing Persons Unit (“Missouri MPU”) that is responsible for collecting and disseminating all information about missing person. The Missouri MPU is also responsible for providing members of the State Highway Patrol to assist in the investigation of reports of missing persons.

The CPD has a missing persons liaison assigned to the Record File Section that is responsible for entering all data into the NCIC and other reporting systems and for continuing to investigate or assure proper investigative steps are undertaken for long-term missing persons.

c) Definition of Missing Person

In the context of adults reported missing, the police department’s definition of “missing person” can determine whether a report is taken, or whether the person is deemed to have decided to voluntarily relocate without informing the person making the report. The Comparison Police Departments use definitions that range from very inclusive to very narrow.

For example, the Charlotte-Mecklenburg Police Department uses a broadly inclusive definition, and defines a missing person as any individual 18 years of age or older, whose location has not been determined and who has been reported as missing to a law enforcement agency. The IACP model policy definition of missing person is slightly more detailed, but still broadly inclusive: “the person’s whereabouts are unknown and unexplainable for a period of

time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines.” The Kansas City Police Department and the City of Bedford Heights Division of Police have adopted the IACP's definition.

In contrast, many of the Comparison Police Departments' definitions of missing person do not include persons unless some type of unusual circumstances indicating danger to the person reported missing exist. For example, the Columbus Division of Police's policy defines a missing person as any person 18 years of age or older who is absent from where he or she is supposed or expected to be when the person (i) has a mental or physical disability; (ii) is missing under circumstances that indicate his or her safety may be in danger; or (iii) is missing involuntarily (an involuntary absence will be assumed if the length of absence is unreasonable or appears to be involuntary). The Ohio state law definition is similar; it defines a missing person as a person that is 18 years of age or older and (a) has a physical or mental disability or (b) is missing under circumstances that indicate safety may be in danger or (c) is missing under circumstances that indicate the disappearance was not voluntary.

The CPD's Missing Persons GPO does not provide a definition of “missing person.”

d) Jurisdiction

Jurisdictional issues can frustrate the reporting process by requiring that the reporting person make the report in the district within the police department that has jurisdiction over the location where the missing person was last seen, or where the missing person resides. For example, it is the Chicago Police Department's policy to conduct a preliminary investigation of the missing person's residence before the police will complete a missing persons report, which suggests that a reporting person can only report a person missing in the district where the missing person resides. However, some Comparison Police Departments mandate that all districts take missing persons reports regardless of the location where the person went missing, or the residence of the missing person. For example, both the Philadelphia Police Department and the Pittsburgh Bureau of Police's policies state that all reports should be taken, and then forwarded to the district where the person went missing, or was last seen.

The CPD's Missing Persons GPO does not specify a jurisdictional policy; however, based on the Commission's field experience and interviews, it is the Commission's understanding that the CPD will only take a missing person report if the missing person was last seen within that district's jurisdiction.

e) Initial Response

The initial response to a missing persons report begins when the reporting person attempts to make a missing persons report. This section analyzes who can make a missing person report, which police officers are the initial responders, when a missing person report can be made, and how the missing person report is taken in the Comparison Police Departments.

Who Can Make a Report: In most of the Comparison Police Departments, any person can report another person missing; however, the remaining Comparison Police Departments impose varying degrees of limits on who can report a person missing. North Carolina state law has the most restrictive limits on who can report a person missing; in North Carolina, a missing

persons report can only be submitted by a parent, spouse, guardian, legal custodian, or other person responsible for the supervision of the missing person. Similarly, the City of Parma Police Department mandates that reports made by a relative, spouse, or legal guardian be taken, but only permits an officer to take a missing person report from a close friend, co-worker, or someone who has genuine concern for the missing person. The Baltimore Police Department defines the scope of who can file a missing person report more broadly as any person who knows what is unusual or out of character for the missing person. The Kansas City Police Department's definition is the most permissive; according to Missouri state law, any person can report another missing by filing a missing persons complaint.

The Chicago Police Department does not limit who can submit a missing persons report based on the relationship between the reporting person and the missing person, but does require the reporting person to sign the initial report. If the reporting person refuses to sign the initial report, the officer marks the report "refused," but the investigation will continue.

The CPD Missing Persons GPO does not place any limitations on who can submit a missing persons report, and does not require the reporting person to sign the missing person report.

Which Officer Can Take a Report: In most of the Comparison Police Departments, the initial report is taken by either the patrol officer who responds to the call or, if the reporting person comes to the police department to make the report, by a patrol officer who is on duty at the police department. The exception to the general rule that a patrol officer takes the initial missing person report is the ESME. All ESME officers have specific training in first response to missing persons calls.

The CPD Missing Persons GPO does not specify who can take a missing persons report, and it is the Commission's understanding that any officer can take the report.

When a Report Is Taken: The Baltimore Police Department (reiterating Maryland state law), the City of Bedford Heights Division of Police and Charlotte-Mecklenburg Police Department each have policies that expressly prohibit any waiting period. Additionally, the IACP model policy expressly prohibits any waiting period between the time a person notices another is missing and the time the police department can take the missing persons report. The Comparison Police Departments that do not expressly prohibit a waiting period before a report will be taken, do not typically mandate that a period of time pass before a report is taken. However, the Columbus Division of Police's definition of missing person may require a waiting period if the person reported missing is determined not to be physically or mentally impaired, in danger, or involuntarily absent for a reason other than the fact that the person is absent for an "unreasonable length of time." Additionally, while the Pittsburgh Bureau of Police will take a missing persons report at any time, absent a related homicide, rape, kidnapping or other dangerous circumstance, the missing persons report will not be transferred to the Missing Persons Unit for additional investigation unless the individual has not been located for at least five days.

The CPD Missing Persons GPO does not expressly prohibit any waiting period before a missing person report is taken. However, based on the Commission's interviews and discussions

with police officers, it is the Commission's understanding that the CPD's policy is to accept all missing persons reports at the time they are made.

Where A Report Is Taken: Most of the Comparison Police Departments, and the IACP model policy, permit reports to be taken in person or by telephone or do not specify how a report can be taken. In stark contrast, the Chicago Police Department requires all missing persons reports to be made in person at the district police department, unless the missing person is "high risk" or a condition (such as a child or a disability) makes it difficult for the reporting person to come to the district police department. Under those circumstances, an officer will take the missing person report at the scene. Similarly, the Pittsburgh Bureau of Police requires all missing persons reports to be taken by personal interview, and prohibits accepting reports by telephone.

The CPD Missing Persons GPO does not specify where a missing person report can be taken. However, it is the Commission's understanding that missing persons reports are only taken in person by the CPD.

f) Initial Missing Person Report

The initial report is the foundation of a missing person investigation, and often the best opportunity that the police department has to obtain information about the person reported missing. There are two steps to taking the initial report. First, the officer taking the report is charged with gathering information to complete the report. Second, in some Comparison Police Departments, the officer (or the officer's supervisor) must categorize the missing person report. The categorization of a missing person report generally affects the extent of resources that are devoted to the investigation.

The information gathering step of the final report generally requires the officer taking the report to obtain background information about the missing person, including a physical description, the place the person was last seen, a list of the people the person spends time with, and a list of the places the missing person regularly visits. Many of the Comparison Police Departments capture this information on a standard form or by using a standard checklist of questions. The IACP model policy provides a specific list of information that should be obtained, and also sets out the general requirement that the officer taking the report obtain as much pertinent information as possible in order to properly classify the missing person report.

The CPD Missing Persons GPO provides a detailed list of information that must be obtained by the officer taking the initial report. The information is gathered using a standard missing persons report form.

g) Categorization of Missing Persons Reports

Regardless of whether the Comparison Police Department uses an inclusive definition of missing person, or a more narrow definition, most of the Comparison Police Departments establish categories of missing persons reports that require an elevated response.

The Austin Police Department creates two distinct categories of missing persons reports that require different responses. The initial responding officer categorizes an adult reported

missing as either a “Request to Locate” or a “Missing Adult.” A person reported missing is categorized as a Request to Locate when there is no reason to believe that the adult left involuntarily or is in danger. The Missing Adult categorization is used when the circumstances indicate that the person may have left involuntarily or may be in danger. The Austin Police Department uses the following criteria to determine if the person should be classified as a Missing Adult: (1) the person is an aged or senile adult that is unable to care for himself; (2) the person is 65 years or older and has a documented mental or medical impairment that creates a threat to personal safety; (3) the person has a mental or physical handicap that creates and imminent safety risk; (4) the person is suicidal; (5) the person has a mental condition that creates an imminent risk to the person’s well-being; or (6) circumstances indicate that the person is the victim of foul play. The Austin Missing Persons Unit is generally contacted only if the person reported missing is categorized as a Missing Adult versus a Request to Locate.

The Chicago Police Department elevates its response if the person reported missing is: (1) physically or mentally disabled and an immediate danger to himself or others; (2) missing under circumstances that indicate his physical safety may be in danger or (3) older than 65 years of age. When one or more of these “high risk” criteria are met, additional notices are issued, additional officers are required to respond, and a formal and systematic search must be conducted.

The Virginia Beach Police Department provides a more general definition of the category of missing persons that require an elevated response. The Virginia Beach Police Department defines this category as any person whose whereabouts are unknown and whose continued absence poses a significant health or safety concern for the person reported missing or others.

Other Comparison Police Departments permit or require the use of various alert programs if the person reported missing is within certain categories. For example, the Baltimore Police Department issues “Silver Alerts” pursuant to state law if the person reported missing suffers a cognitive impairment, such as Alzheimer’s or dementia. Additionally, the Kansas City Police Department permits the issuance of additional alerts through the Missing Persons Unit of the State Highway Patrol if the person reported missing is categorized as an “Endangered Missing Person,” which includes: (1) a person that is physically or mentally disabled to such an extent that the person is dependent on others; (2) a person that may be in danger; or (3) a person that is missing under unknown or involuntary circumstances.

The CPD Missing Persons GPO requires the initial responding officer to categorize each missing person report by using a title, and provides examples of those titles. The categories listed in the CPD Missing Persons GPO are: Disability, Endangered, Involuntary, Juvenile, Catastrophe, and Other. The title of “Disability” is used when a person of any age is missing under proven physical/mental disability or senility, and thereby subjects himself or others to personal and immediate danger. The title of “Endangered” is used when a person of any age is missing under circumstances that indicate the person’s physical safety may be in danger. The title of “Involuntary” is used when a person of any age is missing under circumstances that indicate the disappearance may not have been voluntary. The title of “Juvenile” is used for all missing children under the age of 18. The title of “Catastrophe” is used when a person of any age is missing after a catastrophe. Finally, the title of “Other” is used when a person over the age of 18 is missing and does not meet the criteria of other title categories, but when there is

reasonable concern for the person's safety. The CPD Missing Persons GPO also refers to a category of "Endangered/Elderly Adults," but does not expressly define this category.

h) Reporting Requirements

All of the Comparison Police Departments require report information to be entered into the NCIC database, a national database of missing persons. Additionally, most of the Comparison Police Departments require report information to be entered into a state-wide missing person database.

Federal law (42 U.S.C. § 5780), commonly known as "Suzanne's Law," mandates that information about missing persons between the ages of 18 and 21 be entered into the NCIC within two hours, and most Comparison Police Departments' policies and procedures expressly require that officers make such an entry.

For adults over the age of 20, the time periods within which a missing person report must be entered into the NCIC database and the various state databases vary. Some of the Comparison Police Departments must enter all missing persons reports into the NCIC and the state database within the same time period, regardless of the circumstances under which the person went missing. For example, the Atlanta Police Department is required to enter all missing persons reports into the NCIC and its state-database (the Georgia Crime Information Center) within 12 hours. Similarly, the Columbus Division of Police is required to enter all report information into the NCIC database immediately. In contrast, the Cincinnati Police Department is required to enter information about a missing person into NCIC, the Ohio state database (LEADS) and the Cincinnati Regional Crime Information Center if the person is not located within 30 days.

Other Comparison Police Departments, such as the Baltimore Police Department, are only required to enter report information into the NCIC database if the person reported missing has a mental or physical disability.

Some Comparison Police Departments, such as the Chicago Police Department, do not specifically state the time period within which missing person report information must be entered into the NCIC database or the state database, but instead state that the information must be entered "when warranted."

The CPD Missing Persons GPO references Suzanne's Law by the number of the statute, but does not provide a clear statement of its requirements. Additionally, the CPD Missing Persons GPO lists six categories of missing persons reports for which officers must complete a form for reporting to the NCIC database (Disabled, Endangered, Involuntary, Juvenile, Catastrophe, or persons who do not meet the categories but for whom there is reasonable concern for safety). The officer then transfers this form to a person in the Record File Section of the CPD and transfers a copy of the form to the CPD's missing persons liaison. The CPD Missing Persons GPO does not state the time period within which this information must be entered into the NCIC database, but rather states that all entries must be made "within the allotted time" and "in a timely manner." The CPD Missing Persons GPO also refers to the LEADS database, but

does not expressly define the type of information that must be entered into the LEADS database, or when it must be entered.

The CPD Missing Persons GPO also requires communication of information about missing persons reports to other districts using its internal systems. If a person reported missing is classified as “Endangered/Elderly Adult,” the Communications Control Section must initiate an all-channels broadcast and fax a copy of the Ohio Missing Adult Alert form to all districts. The form will be read at all subsequent roll calls.

i) Investigation

The Comparison Police Departments’ policies and procedures provide different levels of detail as to the types and methods of follow-up investigation that can be completed. The Chicago Police Department’s policy contains the most detailed investigative procedures. It expressly notes that each missing person case is unique, but lists 41 investigative techniques that must be completed for each missing person. The investigative techniques range from interviewing the complainant, friends, neighbors, and others who may have relevant information, to searching the residence and the missing person’s belongs, to contacting various agencies, ranging from the medical examiner’s office to the person’s fraternity or sorority, if applicable.

The Baltimore Police Department is an example of slightly less detailed guidance, with some express investigative requirements. The Baltimore Police Department requires its officers to examine the area where the missing person was last seen, after obtaining written permission from the individual controlling the area. The officer is instructed to determine if any of the missing person’s personal items are missing, and to determine if there are any indications that the area may be a crime scene. If the officer determines that the area may be a crime scene, the officer must cease investigation, secure the scene, contact a supervisor for guidance about the need for a warrant, and, if necessary, contact the Mobile Crime Lab Unit to continue the investigation. Similarly, the Philadelphia Police Department requires officers to conduct a thorough visual and physical check of the missing person’s residence and vehicles.

The Columbus Division of Police’s policy provides an example of a policy that does not contain express investigative steps, but rather indicates that a certain officer is responsible for determining the extent and type of search conducted. Additionally, the Columbus Police Department’s policy only requires a search if the person reported missing is in danger or is considered to be dangerous to himself or others.

The CPD Missing Persons GPO provides substantial guidance to officers as to the investigative steps that must be taken. For example, it lists certain internal units and external agencies that must be contacted when a missing person report is taken, including the Warrant Unit, the Coroner’s Office, the Alzheimer’s Association (if applicable), the Report Intake/Review Unit (to determine if the person is in a hospital), and the Communications Control Section (to determine if a vehicle related to the missing person has been towed). Additionally, the CPD Missing Persons GPO states that a supervisor must be contacted if an NCIC report (other than a report for a juvenile) is completed or if the person reported missing is suicidal, and requires that the supervisor assign a zone car to follow up if the missing person is an “Endangered/Elderly Adult.”

j) Notification to Community

Due to the importance of having as many sets of eyes looking for a person reported missing as possible, the strategic involvement of community partners and the media can be helpful. Many of the Comparison Police Departments recognize the role that the media can have in communicating information about missing persons to the community, and the role that the community can have in locating a person reported missing. However, the limited circumstances under which some of the Comparison Police Departments involve the media and the community reflect the potential difficulties with obtaining useful assistance from the media and the community, and concerns about the family and friends of the person reported missing.

Many of the Comparison Police Departments only utilize wide-reaching community alerts under specific circumstances. For example, the Virginia Beach Police Department implements specific missing persons alerts when the person reported missing is over the age of 60, suffers a cognitive impairment to the extent that he is unable to provide care for himself without the assistance of a caregiver, and whose disappearance poses a credible threat to the health and safety of the adult. The Baltimore Police Department uses its “Silver Alert” under similar circumstances. The Atlanta Police Department implements its “Mattie’s Call” under slightly different circumstance; the Mattie’s Call is used when the person reported missing suffers from dementia, a cognitive impairment or is developmentally disabled.

In contrast, the Cincinnati Police Department’s policy requires its Public Information Office (or the investigative unit if the Public Information Office is closed) to forward information about the missing person to the media in all cases.

Other Comparison Police Departments do not place limits on when the media must be contacted, but do require both the police chief and the family of the missing person to agree that the media should be contacted. The IACP recommends that the police chief and the family of the missing person determine together whether local media will be contacted. The City of Bedford Heights Division of Police and Burlington Police Department have adopted the IACP’s policy.

State law in Missouri creates the Missing Persons Unit of the State Highway Patrol, which is authorized to issue alerts when the person reported missing is an endangered missing person. An endangered missing person is one who is physically or mentally disabled to the extent that the person is dependent on another, and is either missing under circumstances that indicate the missing person’s safety is in danger or is missing under involuntary or unknown circumstances.

The CPD Missing Persons GPO requires that an Ohio Missing Adult Alert be issued for missing “Endangered/Elderly Adults.” The Ohio Missing Adult Alert is a LEADS based alert system that quickly notifies the public and media outlets about endangered missing adults. The CPD Missing Persons GPO does not expressly define “Endangered/Elderly Adult,” but it does state that the alert should be issued if the CPD has confirmed that the person is missing, that there is a credible threat of immediate danger of serious bodily harm or death to the missing person, and that there is sufficient information about the individual and the circumstances surrounding the individual’s disappearance to indicate that activation of the alert will help locate

the person reported missing. The CPD's practice of evaluating whether there is sufficient information to make issuing a media report useful is unique among the Comparison Police Departments and strikes an effective balance between overwhelming the media and the community with information and using the media and the community to assist with investigations when possible.

The CPD Missing Persons GPO also requires the Public Information Officer to consult with the Deputy Chief of Field Operations to determine whether or not the media will be asked to publicize the information contained in the Ohio Missing Adult Alert.

k) Closing Case

There is little variation amongst the Comparison Police Departments in terms of closing a missing person case when a person is located. Most Comparison Police Departments' missing persons policies include a procedure for closing missing persons cases when the person reported missing is located. Most of the policies require an officer to enter a follow-up report into the NCIC database and state reporting systems that removes the located person from the databases. Additionally, many of the Comparison Police Departments require an officer to confirm that the located person is the person that was reported missing by interviewing them in person. The Philadelphia Police Department evinces a preference that the missing person be transported to the zone for this interview; the other Comparison Police Departments generally do not specify where the interview should occur. Some of the Comparison Police Departments, including the City of Parma Police Department, require officers to determine if there was criminal activity related to the missing persons report.

The IACP model policy expressly states that competent adults that are reported missing and located by law enforcement cannot be forced to return to any location. Under the IACP model policy, if an adult person reported missing is located and does not want to return to the location, the law enforcement agency will notify the reporting person of the located person's well-being. The City of Bedford Heights Division of Police follows the IACP model policy by stating that a located person cannot be forced to return to any location.

In some of the Comparison Police Departments, a missing persons case is declared inactive after a period of time passes with no new information. For example, the Austin Police Department will suspend its investigation of any Request to Locate after 30 days if no new information becomes available. Similarly, the Cincinnati Police Department declares a missing person case inactive after 30 days if the reporting person cannot be located and no new information becomes available, and after 90 days if the reporting person can be located but no further helpful information is available.

The CPD Missing Persons GPO does not specifically require any officer to enter a follow-up report into NCIC or LEADS to remove a located person from the databases. However, the CPD Missing Persons GPO requires the missing persons liaison to complete all validation procedures relative to NCIC/LEADS in a timely manner. The CPD Missing Persons GPO does require officers to update the CPD's internal records by completing a Record Management System ("RMS") supplement report. The RMS supplement report must state whether the person returned of the person's own volition or was located in some other manner,

and must indicate the place where the missing person was located. Additionally, the officer must notify the Communications Control Section so that it can cancel any Ohio Missing Adult Alerts that were issued and notify the Public Information Officer and all police districts that the person was located.

Prior to entering the supplement RMS report, the officer must personally identify the located individual. If the person is located outside of the CPD's jurisdiction, the officer must request the foreign police department to visibly verify the missing person's status.

The CPD Missing Persons GPO does not provide guidance on when a case is declared inactive.

B. Sex Crimes Investigations

1. Overview: The CPD Sex Crimes Investigation Requirements

This section details the sex crimes investigation and registry requirements imposed by state law. This section then summarizes both the CPD GPO No. 6.2.09 (the "Sex Crimes GPO") and the CPD Sex Crimes Unit Procedure Manual ("Sex Crimes Unit Manual"), which set forth the requirements that the CPD must follow when it receives a report of a sex crime. Finally, this section breaks down the investigative response to a report of a sex crime into its general components and analyzes the practices of the Comparison Police Departments during each general component to determine if there are better practices that the CPD should incorporate into the CPD Sex Crimes GPO. The Commission sets forth its recommendations in the Policy Recommendations Section of this Report.

It is important to note that the scope of the Commission's work was limited to a review of policies and procedures where the victim of the sex crime was an adult (over the age of 18). The policies and procedures related to sex crimes committed against children are not set forth in this Report.

2. Ohio State Law Requirements Relevant to Sex Crimes

According to the Ohio Revised Code, a sex crime is any sexual act performed without consent, or performed on somebody unable to give consent (because of age or incapacitation, for example). A sexual act includes any of the following: vaginal or anal intercourse, fellatio or cunnilingus, the insertion of any body part or object into the vaginal or anal opening of another, and touching of the erogenous zones of another, such as the buttocks or breasts on women.

a) Sex Offender Registry

The Ohio Revised Code has enacted a system of sex offender registration by which those found guilty of sex-based offenses are required to register and are then tracked by state and local officials. The system creates obligations on the part of the offenders, the court system, the Ohio Attorney General, the Ohio Bureau of Criminal Identification and Investigation, and local law enforcement officials.

The dictates of the registry will apply where an individual is convicted of, pleads guilty to, has been convicted of, has pled guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for offenses listed in Chapter 2907 of the Ohio Revised Code.

Once an individual is labeled a sex offender, that individual must be labeled as a Tier I, II, or III offender based on the ascending severity of the crime. The tier under which the offender falls will increase the length of time the offender will be subject to the registration requirement as well as increase the frequency that the offender must update residence, school, vehicular, and employment information.

Once an individual is designated as a sex offender, the offender is required to register with relevant authorities. The offender must register his residence, place of education, and place of employment with the county sheriff's office(s) whose jurisdiction encompasses those locations. An offender initially registers at the time of conviction and must subsequently register upon release from confinement with the sheriff of the county(ies) where the offender intends to reside, work, and/or attend school.

When an offender registers, information recorded includes the offender's name and aliases, SSN, date of birth, and address of residence, employer, and school, the license plate number of all vehicles available to the offender, the offender's driver's license number, the offender's DNA sample if the crime was committed outside of Ohio, a description of each professional or occupational license held by the offender, and any email addresses, internet identifiers, or telephone numbers used by the offender. This information is forwarded to the State Bureau of Criminal Identification and Investigation.

In addition to the above requirements, a Tier III offender must send the sheriff of the county in which the offender intends to reside written notice of the offender's intent to reside in the county at least 20 days prior to the date the offender begins to reside in that county. Upon receiving this notice, the sheriff must provide written notice to any individual residing within 1000 feet of the intended residence and executive directors of public children's agencies, superintendents of boards of education, school principals, and directors of preschools whose districts contain any part of the 1000 foot notification area.

All offenders must also periodically verify the registered addresses, even if no change has occurred. The frequency of verification after initial registration differs based on the tier that an offender is classified, with Tier I offenders registering annually, Tier II offenders registering every 180 days, and Tier III offenders registering every 90 days. Re-registration occurs in person at the sheriff's office, but a sheriff has the ability to verify the address by sending non-forwardable mail to the offender's residence, to which the offender must respond in person. All information is forwarded to the state Bureau of Criminal Identification and Investigation.

If an offender fails to timely verify his registration in person, the sheriff must send written notice to the offender on the day following the date required for registration. If the offender fails to personally verify his registration within seven days, the sheriff is required to promptly notify the Bureau of Criminal Identification and Investigation of the failure and locate and arrest the offender.

When an offender changes his residence, job, or school, the offender is required to update the required registration promptly. The offender is required to notify both the sheriff of the county where he registers at the time, as well as the sheriff covering the jurisdiction of the new residence, job, or school. In addition, any change in: (i) vehicle information; (ii) email addresses; (iii) internet identifiers; or (iv) telephone numbers must similarly be reported.

The length of time an offender is subject to the registry depends on the tier classification of the offender: a Tier I offender remains subject to the registry requirements for 15 years, a Tier II offender remains subject to the registry requirements for 25 years, and a Tier III offender remains subject to the registry requirements for life.

The Cleveland Rape Crisis Center's Position Paper on Community Management of Sex Offenders is attached to this Report as Appendix N.

b) Other State Law Requirements

At the request of either the victim or the offender, the presiding judge in any sex offense prosecution must order the names of the victim and offender and the details of the offense as obtained by any law enforcement officer suppressed until the preliminary hearing. This order precludes the police or any other individual from releasing information regarding the alleged sex crime until the arraignment.

A victim of rape, when interviewed by a law enforcement agency, must be interviewed by an officer who has received crisis intervention training, when such officer is reasonably available. In addition, when an accused offender tests positive for a communicable disease, the law enforcement agency that arrested the offender must immediately notify the victim that the offender tested positive for the disease.

Any cost incurred by a hospital or emergency medical facility in the medical examination of a victim of rape, sexual imposition, gross sexual imposition, sexual battery, or unlawful sexual conduct with a minor will be paid out of the Ohio Victim's Reparation Fund. The purpose of the medical examination must be for the purpose of gathering physical evidence for a possible prosecution, and includes the cost of any antibiotics administered. In order to receive reimbursement, the hospital or emergency facility must follow the protocol for conducting the examinations identified by the attorney general and must submit requests for payment to the attorney general on a monthly basis and accept a flat fee.

3. Summary of Investigative Steps from CPD Policies

a) The CPD's Sex Crimes GPO

The CPD Sex Crimes GPO provides detailed guidance on procedures related to evidence collection. However, it provides limited guidance on the comprehensive investigation of a sex crime.

If a sex crime occurs between 8:00 a.m. and 8:00 p.m., the responding uniformed officer should immediately notify their supervisor that a sex crime has occurred. The supervisor is to contact the Sex Crimes Unit by telephone. Between the hours of 8:00 p.m. and 8:00 a.m., if

conditions warrant, the supervisor may notify the Chief Dispatcher to contact the Sex Crimes Unit member on-call through the pager system. Conditions warranting immediate contact include: brutality of the crime, physical state of the victim, and age of victim. Whenever an officer responds to a sex crime, the officer shall make an RMS report and fax a report copy to the Sex Crimes Unit.

Several procedures are noted for collecting initial trace evidence at the crime scene, which is the responsibility of the responding officer. Topics covered include the need to wear gloves, proper bagging and tagging of materials, the need to collect clothing from both the victim and suspect, and the need to keep evidence from victims and suspects separate to prevent cross-contamination.

In addition, procedures are outlined for photographing of signs of scratches, bruises, or marks of violence on the victim of suspect. These photographs should be taken by the Photo Unit and the photographs should be placed in a property envelope and forwarded to the Sex Crimes Unit.

Rape evidence kits taken by hospital personnel (commonly referred to as “rape kits”) must be forwarded to the police forensics laboratory. If the officer assigned to the initial call is still on assignment, that officer will retrieve the rape kit. The CPD Sex Crimes GPO underscores that whichever officer collects the rape kit, care must be taken to maintain the chain of custody. The rape kits are given to an officer from the hospital as a sealed box; the officer accepting must sign the officer’s name and badge number. The rape kits should be described as a “sealed rape evidence kit” and the name of the hospital employee who gave the rape kit to the officer should be recorded.

b) The Sex Crimes Unit Manual

According to the Sex Crimes Unit Manual, the goals of the Sex Crimes Unit are to reduce the incidence of sexual assaults through identification, arrest, and prosecution of offenders and to reduce the number of potential victims through educating and informing the public. The listed objectives are: (i) to conduct the most thorough, objective investigations possible without subjecting the victim to further victimization; (ii) to put the needs of the victim first; and (iii) to promote public awareness of issues attendant to the crime of sexual assault by working with support agencies, community groups, and the media.

When a sex crime is referred to the Sex Crimes Unit, a supervisor assigns a Sex Crimes Unit detective to the case. Every report generated by a patrol officer will be assigned to a detective in the Sex Crimes Unit unless the supervisor determines otherwise. Those reports with named suspects or arrests are given first priority. A detective’s workload and particular expertise will be taken into account when making assignments.

A book called the “Assignments Book” is maintained to log the activities of the Sex Crimes Unit. The Assignments Book contains pertinent information from the crime report, the names of the detectives assigned, and the disposition of each assignment. The log serves as a running tally of the number of assignments each detective received each month. After

consultation with the City prosecutor, the assigned detective will note the disposition of an investigation in the Assignments Book, indicating one of the following:

1. No Further Investigative Leads: all reasonable leads have been pursued; case is open, but inactive until additional leads develop;
2. Exceptional Clean-up: suspect/offender has been identified but prosecution not pursued because: (i) death of suspect; (ii) victim chooses not to pursue prosecution; or (iii) case is considered closed;
3. Unfounded Complaint: investigation reveals false information provided by victim and the prosecutor review indicates no support of any crime; case is closed; or
4. Clean-Up: suspect identified, prosecution being pursued, and suspect has been arrested and charged.

In investigating reported sex crimes, Sex Crimes Unit detectives are to diligently pursue each assignment. The Sex Crimes Unit Manual does not provide a step-by-step procedure for investigating detectives. Rather, the Sex Crimes Unit Manual provides a bullet point list of suggestions and model tactics, which include the following:

- Victims should be contacted as soon as possible and preferably within 24 hours of receiving the assignment, and all attempts to contact the victim must be noted in the case file;
- Interviews must be conducted and statements taken using procedures outlined in the CPD's Bureau of Special Investigations ("BSI") Statement Guide – which is described in more detail in the section that follows;
- Statements are to be taken in all felony investigations, and statements can and should be taken in misdemeanor investigations of a serious or complicated nature;
- Crime scenes must be visited when possible;
- Evidence must be forwarded and tested as needed;
- Reports are to be forwarded to the appropriate supervisor for review;
- The City prosecutor must be consulted for a ruling on all investigations involving an adult suspect, unless otherwise determined by a supervisor;
- Grand Jury packages must be prepared and forwarded to a supervisor for review according to CPD regulations;
- All subpoenas must be honored;
- Detectives are to assist prosecutors at trial to the extent possible;
- Case folders, files, and records must be maintained according to Sex Crimes Unit standards;
- Supervisors are to be made aware of any unusual situations immediately or as soon as possible; and
- Victims are to be treated as a member of the detective's family would be treated in similar circumstances.

Statements are taken from victims and other pertinent parties in all felony investigations except where the suspect is a juvenile (statements can be taken only with a parent/guardian present), where the victim is mentally handicapped, or where the victim is of tender years (generally under ten years of age) and unable to understand the procedure.

The procedure and rules for the taking of statements is prescribed by the BSI Statement Guide. The guide states that any statement must be recorded on a BSI Criminal Investigation Statement Form. In addition, the BSI Statement Guide outlines the CPD-wide protocol for taking statements. The nine-page form outlines the specific nature of how the statements should be documented (e.g., use of carbon paper, the proper acknowledgement to be signed, what to do if the interviewee cannot read or write, and how to correct a typographical mistake).

4. Analysis of Comparison Police Department's Responses During General Components of a Sex Crimes Investigation

a) Note on Language

The language of sex crimes is not standardized. Many of the Comparison Police Departments' policies refer to what the Commission is calling "sex crimes" in this Report as "sexual assaults," by more specific names of each crime, or include sex crimes in a more general category like "crimes against persons." The Comparison Police Departments also refer to the specialized unit that investigates sex crimes by different names.

The various sex crimes units may investigate different crimes in addition to sex crimes, and may only investigate certain types of sex crimes, or sex crimes committed against victims of a certain age. This makes comparisons based on the number of officers assigned to the unit, or the number of sex crimes reported to the unit, difficult.

The Commission recognizes the inconsistency of language, and the problems with numbers-based analysis that it creates. In this Report, all units that handle sex crimes will be referred to as "sex crimes units" for simplicity. Further, the Commission will not analyze or compare the number of sex crimes unit detectives or the number of sex crimes cases handled by a sex crimes unit due to the difficulty in finding "apples-to-apples" numbers.

b) Structure of Police Department

One of the most obvious differences between the Comparison Police Departments is whether they have a specialized unit for sex crimes investigations. Most of the Comparison Police Departments do have specialized sex crimes units, although smaller police departments, such as the City of Bedford Heights Division of Police, do not.

Some of the Comparison Police Departments divide the responsibility for their sex crimes investigations among multiple specialized units. For example, both the Austin Police Department and the Columbus Division of Police have separate units for the investigation of sex crimes against different ages of victims. The Austin Police Department directs the investigation of all sex crimes against individuals 17 or older to the Sex Crimes Unit, and all sexual abuse cases involving individuals younger than 17 to the Child Abuse Unit. The Columbus Division of

Police has two sections of its sex crimes unit; one investigates all cases where the victim is 16 or older, and the other investigates all cases involving a victim younger than 16.

The Burlington Police Department does not have an internal sex crimes unit. Instead, the Burlington Police Department relies on the regional special investigative unit referred to as the Chittenden Unit for Special Investigations (“CUSI”). CUSI is organized as a non-profit corporation and is run by a board of directors. CUSI’s personnel consists of a Director, Children's Advocacy Center Executive Director, seven detectives, victim advocate, Deputy State’s Attorney, and an investigator from the Vermont Department of Children and Families. CUSI personnel work together in a collaborative manner to serve victims and enable successful prosecutions. Since the formation of CUSI, the Vermont legislature has enacted a law that requires the formation of special investigative units to investigate sex crimes, child abuse, and domestic abuse in every region of Vermont.

The CPD does have a specialized sex crimes unit (the “Sex Crimes Unit”). The Sex Crimes Unit is responsible for all sex crimes and juvenile endangerment cases. The Sex Crimes Unit has 14 detectives and three supervisors. As of the date of this Report, there are 10 active detectives in the Sex Crimes Unit. An active detective is a detective that is taking on new cases; the detectives that are currently inactive are inactive for medical reasons. Its normal operating hours are 8:00 a.m. to 8:00 p.m., Monday through Friday.

c) Initial Response

Due to the sensitive nature of sex crimes and the importance of evidence collection and medical treatment, the initial response to a sex crime is critical. As a result, some of the Comparison Police Departments attempt to minimize the role of patrol officers in sex crimes investigations to a certain level of severity by calling in the specialized sex crimes unit detectives as soon as possible. For example, the Austin Police Department’s policy requires the sex crimes unit to respond to any sex crime that also involves a home invasion, serious injury, serial rapist, or the arrest of a suspect for a felony charge. Similarly, the Baltimore Police Department’s policy requires the sex crimes unit to respond to all sex crimes involving rape, attempted rape, or sodomy.

Other Comparison Police Departments limit the role of the patrol officer in all cases involving an alleged sex crime. For example, the Columbus Division of Police’s policy states that the patrol officer should conduct only a minimal interview of the victim to care for immediate medical needs, secure potential evidence, determine jurisdiction, and identify suspects. The Columbus Division of Police’s specialized sex crimes unit is responsible for conducting the primary interview of the victim. The Burlington Police Department similarly limits the role of the patrol officer and instead directs all sex crimes reports, other than reports of minor lewd and lascivious acts, to CUSI.

In the CPD, the patrol officer conducts the initial interview and investigation.

d) Transition to Specialized Unit or Investigating Detective

In some of the Comparison Police Departments, the process of transitioning the sex crimes case, including the information obtained by the patrol officer during the initial interview,

is carefully spelled out so that information loss is minimized. Many of the Comparison Police Departments do not provide guidance on the transition process.

The Columbus Division of Police's policy maximizes the amount of information transferred to its sex crimes unit by requiring the first responder to write a first responder letter to the sex crimes unit detective as soon as practicable. The first responder letter is a written summary of the patrol officer's actions, from the time the patrol officer arrives at the scene until the patrol officer transports the victim to the hospital. The Columbus Division of Police's policy also authorizes the patrol officer to directly contact both the sex crimes unit, and when a specific sex crimes unit detective is assigned, the assigned sex crimes unit detective directs the investigation.

The IACP model policy authorizes the patrol officer to directly contact the sex crimes unit from the scene. The sex crimes unit is responsible for determining the appropriate response.

In the CPD, the patrol officer submits the completed report to his supervisor. The supervisor then reviews the report and faxes it to the CPD Sex Crimes Unit. The CPD Sex Crimes Unit reviews the reports and assigns them to CPD Sex Crimes Unit detectives based on the caseload of each detective. This process can result in a significant delay between the time the patrol officer conducts the initial investigation and the time that the sex crime investigation is assigned to a detective in the CPD Sex Crimes Unit. However, under extenuating circumstances, the CPD Sex Crimes Unit can be contacted immediately and sent to the scene to aid in the initial investigation. This process is not described in the CPD Sex Crimes GPO; instead, it was described to the Commission during its field experience.

e) Interview of Victim

Due to the sensitive nature of sex crimes, many of the Comparison Police Departments have taken steps to protect the victim while obtaining the best information possible for potential prosecution.

Some of the Comparison Police Departments provide guidance on the scope of the interview. For example, the IACP model policy recommends that an initial interview be conducted to establish the elements of the crime, identify witnesses and suspects, and secure evidence and the crime scene. After a medical exam, a more detailed interview is taken. The Columbus Division of Police's policy, explained above, mirrors the IACP model policy. The Baltimore Police Department's policy also recognizes that different types of interview questions may be appropriate at different stages of the investigation. The Baltimore Police Department's policy permits the interview to be conducted at the scene if there is no medical emergency. If the victim is at a hospital, or must be transported to a hospital, the Baltimore Police Department requires its officers to conduct the interview in as private of a setting as possible.

Like the Baltimore Police Department, other Comparison Police Departments emphasize victim comfort during the interview process. For example, the IACP model policy suggests that the location of the follow-up interview be convenient and comfortable for the victim. Vermont's regional unit, CUSI (the agency that the Burlington Police Department utilizes for all sex crimes investigations in Burlington), conducts interviews in rooms located at CUSI that look like living

rooms. Additionally, the Cincinnati Police Department requires the interview to be conducted in an area that is not high-traffic.

In addition to the physical environment for victim interviews, some of the Comparison Police Departments establish policies to minimize the emotional trauma associated with discussing a sex crime. For example, the Virginia Beach Police Department and the Cincinnati Police Department limit the number of officers with whom the victim must discuss the details of the sex crime. The Cincinnati Police Department also specifies that the victim should not be required to repeat embarrassing details.

Concerns about the victim's physical and emotional comfort must be balanced with the attempt to obtain sufficient evidence to prosecute. The IACP model policy suggests that the victim's statement be both tape recorded and video recorded. The Austin Police Department's policy mandates that the victim's statement be tape recorded, and prefers that it is video recorded.

The discussion of prosecution can be a sensitive issue with victims of sex crimes. The City of Parma Police Department suggests that its officers avoid asking the victim if the victim wants to prosecute during the initial interview. In contrast, the Virginia Beach Police Department GPO states that a victim should be encouraged to prosecute.

The CPD Sex Crimes GPO does not detail the interview process. However, based on the Commission's field experience, the interview of the victim occurs at the Justice Center unless circumstances require otherwise. The interview is not recorded, but a typed statement is created, which the victim must sign. The interview room is not designed to be comfortable for the victim, and the Sex Crime Unit is cluttered, disorganized, and overcrowded.

f) Interaction with Hospital

Most of the Comparison Police Departments provide some level of detail on the relationship between the officer and the hospital. Many of the Comparison Police Departments provide that the victim should be transported to a hospital with nurses that have specialized training in the treatment of victims of sex crimes and related evidence collection. These nurses are generally referred to as Sexual Assault Nurse Examiners ("SANE") nurses. Comparison Police Departments' policies also reference rape crisis centers at various hospitals. Many Comparison Police Department's policies including the Atlanta Police Department, the Baltimore Police Department, the Burlington Police Department, and the Cincinnati Police Department suggest or require that the victim should be taken to a designated hospital or hospitals that have SANE nurses or a rape crisis center unless the victim objects.

In sex crimes cases that do not involve a medical emergency, some of the Comparison Police Departments require their officers to provide information to the victim about the need for a forensic exam. The IACP model policy expressly requires the officer to obtain the consent of the victim before a forensic exam is conducted. During the process of obtaining consent, the IACP model policy requires the officer to inform the victim that the victim can decline any part of the forensic exam. If a victim is unwilling to undergo a forensic exam, the IACP model policy suggests that officers encourage the victim to have a pregnancy test and an STD test. The

Columbus Division of Police suggests that its officers explain the importance of obtaining medical treatment, even if there are no overt injuries. Similarly, the Atlanta Police Department requires its officers to make every effort to persuade a victim to have a medical exam, but acknowledges that the officer should not force the victim to have the exam.

Some of the Comparison Police Departments recognize that cost may be a barrier to some victims obtaining medical attention, and require the officer to inform the victim that medical exams related to sex crimes are free to the victim. The Atlanta Police Department, City of Parma Police Department and Kansas City Police Department each require their officers to inform the victim that the medical exam is free to the victim.

The CPD Sex Crimes GPO does not direct the patrol officer to take a victim to a hospital with a SANE nurse, or refer in any way to SANE nurses or units. However, the Emergency Medical Services (“EMS”) protocol directs EMS personnel to take the victim to a hospital with a SANE Unit or SANE nurse. Based on the Commission’s interviews, it is the Commission’s understanding that if a rape kit is successfully completed, as determined by the State Bureau of Criminal Identification and Investigation, the cost of the rape kit and the related forensic examination is paid for by the state of Ohio.

g) Preservation of Evidence

The Comparison Police Departments address the importance of evidence collection with varying degrees of specificity. The IACP model policy begins the process of evidence preservation and collection the most quickly by specifying that the dispatcher should ask the victim whether the victim has bathed or taken other steps, and instruct the victim not to do so. Similarly, upon arrival, the initial responding officer of the Atlanta Police Department, Baltimore Police Department and Columbus Division of Police instructs the victim not to bathe or take other steps that could be detrimental to evidence collection.

The Comparison Police Departments also provide procedures for transporting the rape kit from the hospital to the lab. The Burlington Police Department relies on CUSI to pick up the rape kit and transport it to a health center or state lab. If CUSI cannot immediately transfer the rape kit to a state lab, it temporarily warehouses the rape kit in a storage unit at CUSI. The Cincinnati Police Department only permits detectives from the sex crimes unit to pick up the rape kit from the hospital (in Cincinnati, all sex crimes victims are taken to one hospital, unless the victim objects). The sex crimes unit detectives are required to call the hospital on a weekly basis to determine if there are rape kits waiting to be picked up. If the victim objects to the standard hospital, the sex crimes unit detective will pick up the rape kit from the doctor or hospital of the victim’s choice upon notice of completion.

The Sex Crimes GPO exhaustively details the procedure for evidence collection, which begins upon arrival of the initial responding officer. The Sex Crimes GPO also provides clear guidance on the collection of the rape kit from the hospital, including procedures for maintaining the chain of custody so that evidence is admissible in a potential trial. The Sex Crimes GPO requires a uniformed officer to pick up the rape kit, and sign his or her name and badge number to the rape kit. The name of the hospital employee that transfers the rape kit to the officer must also be noted, and the rape kit must be sealed and marked “sealed rape evidence kit.” The CPD

Sex Crimes GPO indicates that the rape kits are forwarded to the police forensics laboratory upon completion.

h) Victim Advocacy and Victim Protections

Many of the Comparison Police Departments proactively protect the victim's rights or the victim's privacy. For example, state law requires the Austin Police Department to provide the victim with information about emergency medical services (including cost information), the contact information of the law enforcement agency's victim assistance liaison, and a referral to a sexual assault program (with a description of the services that program provides). Georgia state law requires the Atlanta Police Department (among other agencies) to provide a written statement to any victim of rape or aggravated sodomy that informs the victims that they have the right to prosecution at the expense of the government, and informs the victims that they should keep all clothing and other evidence and obtain a medical examination. The written notice also states that the cost of the medical examination is borne by the law enforcement agency to the extent that the costs relate to the collection of evidence.

Some of the Comparison Police Departments require officers to contact a victim advocate. The IACP model policy suggests that a victim advocate be made available during the medical examination. Both the City of Parma Police Department and CUSI (the regional agency that handles sex crimes investigations for the Burlington Police Department) require that an advocate be contacted as soon as possible.

In order to address a similar concern for the victim's emotional well-being, some of the Comparison Police Departments' policies expressly require officers to be sensitive in their interactions with victims. The Columbus Division of Police and Austin Police Department policies each emphasize that officers should be sensitive at all times. The Virginia Beach Police Department's policy provides that no investigator should consider the untruthfulness of a victim or imply suspicion of untruthfulness without supporting facts.

Another concern addressed by the Comparison Police Departments is the protection of the victim's privacy. The Cincinnati Police Department requires officers to identify the victim using only the victim's initials on the police report. The Austin Police Department instructs its officers to use a pseudonym on the police report at the victim's request. The Kansas City Police Department and Baltimore Police Department redact identifying information in court records.

In order to protect the victim's physical safety, some Comparison Police Departments require the officer to remain at the hospital until the exam is complete. For example, the Baltimore Police Department's policy contains this requirement. In addition, some of the Comparison Police Departments require the officer to provide transportation to a safe location. For example, the Atlanta Police Department and the Baltimore Police Department require its officers to make every effort to ensure that the victim is returned to a secure environment at the conclusion of the initial contact.

Based on information obtained through the Commission's field experience, interviews, and legal research, it seems that the CPD requires a victim to be interviewed by an officer with crisis intervention training, when an officer with crisis intervention training is reasonably

available. Additionally, upon the victim's request, identifying information on initial court documents will be removed so that the victim remains anonymous.

i) Registry Requirements

Typically, the requirements of sex offender registries are dictated by state law. Therefore, differences between the CPD and Comparison Police Departments result from differences in state sex offender registry laws. Although Ohio is the first and only state to have enacted legislation to be in compliance with the federal Adam Walsh Act, it is anticipated that the other states will soon enact legislation to comply with the federal requirements.

Several Comparison Police Departments are directly responsible for registering, verifying, and maintaining the information of registered sex offenders. Cities whose police departments directly manage this role are the Austin Police Department, the Baltimore Police Department, the Chicago Police Department, and the Virginia Beach Police Department. The Burlington Police Department, Philadelphia Police Department and Pittsburgh Bureau of Police place the responsibility for registry compliance with state agencies. The remaining Comparison Police Departments use county sheriffs to manage and enforce the sex offender registries.

In accordance with Pennsylvania state law, a state agency has the responsibility for managing and enforcing the sex offender registries; however, the Philadelphia Police Department and Pittsburgh Bureau of Police are responsible for the community notification provisions. In Burlington, CUSI is responsible for semiannual verification of offender residences.

Chicago appears to be the only city whose registered offenders are subject to a registration fee. The initial registration fee is \$20 with an annual re-registration fee of \$10. Offenders may apply for indigent status, which waives the registration fee.

In Cleveland, the Cuyahoga County Sheriff's Department is responsible for the registry of sex offenders.

C. Structure of Police Departments

1. Assignment to Specialized Units

The method of assigning officers to specialized unit is governed by collective bargaining agreements in many of the Comparison Police Departments. However, some of the Comparison Police Departments do not have collective bargaining agreements. In the Comparison Police Departments that do have collective bargaining agreements, the collective bargaining agreements range from allowing assignment to a specialized unit based purely on competitive selection to requiring certain applicants to be considered for assignment to a specialized unit based on seniority. For example, the Cincinnati Police Department's collective bargaining agreement permits assignment to specialized units based on personal qualifications and competence of the officer. The chief of police makes the assignment decision. In contrast, the Columbus Police Department's collective bargaining agreement requires consideration of the seniority of applicants and whether the officer meets the qualifications of the position. Under the Columbus Police Department's collective bargaining agreement, the five applicants with the most seniority that also meet the qualifications of the position must be considered for placement into the

specialized unit. While seniority is a factor, it is not the determinative factor in making the assignment.

The CPD's procedure for assigning officers to specialized units is governed by the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen's Association (the "CBA"). Under the CBA, assignments to specialized units are made in accordance with a bid procedure. The CBA requires interested officers to have reached the rank of Patrol Officer I, which is typically reached after approximately three years on the force, to be eligible to bid. The Chief of Police then makes his selection from the list of bidders. With the exception of the Narcotics Unit and the Organized Crime-Intelligence Unit, the CBA requires the Chief of Police to fill one-half of all vacancies in specialized units based on seniority, and permits the Chief of Police to fill one-half of the vacancies without regard to seniority. Thus, one-half of all selections from the list of bidders must be made based solely on seniority. However, the CBA permits all selections into the Narcotics Unit and the Organized Crime-Intelligence Unit to be made without regard to seniority.

2. Prosecution of Sex Crimes

In many of the Comparison Police Departments, the process for determination of whether there is sufficient evidence to prosecute is not described in the general police order. Accordingly, the below information is based on the Commission Team's follow-up discussions with representatives from the Comparison Police Departments.

Most of the Comparison Police Departments have a county prosecutor review the information gathered through the investigation to determine if there is sufficient evidence to present the case to a grand jury. However, each of the Comparison Police Departments, and the cities' city and county prosecutors offices are structured slightly differently, so it is difficult to directly compare the processes for prosecution of a sex crime. For example, the Atlanta Police Department and the Chicago Police Department (among others) present sex crimes investigations to a county prosecutor who determines if there is sufficient evidence for the case to go forward. The Baltimore Police Department presents evidence to either the Sex Offense Division of the Office of the State's Attorney for Baltimore City (a specialized division of the city prosecutor), which also prosecutes all sex crimes cases, or a commissioner, which can authorize the issuance of a warrant. The Cincinnati Police Department takes a hybrid approach; the officer first determines if the sex crime is a misdemeanor or a felony. If the sex crime is a misdemeanor, a city prosecutor reviews the case. If the sex crime is a felony, a county prosecutor reviews the case. The Burlington Police Department utilizes CUSI for all aspects of its sex crimes investigations. A county prosecutor is on staff at CUSI and all sex crimes cases in the County are presented to that county prosecutor for the determination of whether there is sufficient evidence for the case to go forward. CUSI also has a unique picture book that illustrates the process of prosecuting a sex crime so that the victim is able to make an informed decision as to whether the victim wants to prosecute.

The CPD requires all sex crimes cases to be presented to the City prosecutor. If the City prosecutor determines that there is enough evidence to go forward, the County prosecutor handles the prosecution.

VII. Recommendations: Cleveland Division of Police

1. Create a Missing Persons Unit charged with collecting, analyzing, and disseminating information related to persons reported missing.

The Commission's review and analysis of the Comparison Police Departments indicates that many other cities have stand-alone units devoted to the investigation of missing persons. Additionally, the Commission's review of state and federal law indicates that there are significant reporting requirements related to missing persons.

Recommendation

In order to improve record keeping and the detection of patterns related to missing persons, and the relationship between the community and the CPD related to the investigation of missing persons, the Commission recommends that a stand-alone Missing Persons Unit be created. The Missing Persons Unit should be housed at the Fusion Center in order to maximize the coordination of statistical data and ensure that information about missing persons is communicated with all law enforcement agencies in the five county area represented by the Fusion Center. The Missing Persons Unit should consist of one missing persons liaison (relocated from the Record File Section), and at least two additional officers.

The Missing Persons Unit would be responsible for entering all information about both missing persons and missing children into the required databases, including NCIC, LEADS, and RMS, within the appropriate time frame, as set forth in the Missing Persons GPO.

As a result of entering all information into the required databases, the Missing Persons Unit would review all missing persons reports made to the CPD. Therefore, the Missing Persons Unit would be in a good position to determine patterns and determine whether a particular missing person report should receive an elevated response. The Missing Persons Unit would have the authority to elevate the response to a missing persons report by recommending that it be transferred from the district level to the homicide unit or another appropriate unit. Additionally, the Missing Persons Unit could contact appropriate neighboring police departments or the FBI if the circumstances warranted. The Commission recommends that the CPD develop guidelines for when the Missing Persons Unit should elevate the response. These triggers should be refined on a bi-annual basis as the Missing Persons Unit develops expertise.

Furthermore, the Missing Persons Unit would be responsible for ensuring that the initial responding officer complied with and properly documented all investigative steps required under the CPD Missing Persons GPO. For example, the Missing Persons Unit would review the file to ensure that DNA was properly collected and submitted to the Bureau of Criminal Identification and Investigation.

The Missing Persons Unit would also be responsible for developing and distributing information about missing persons using missing persons bulletins, a missing persons website, email blasts, and other methods. The missing persons bulletins should be distributed electronically, with a request that they be printed and posted. The Missing Persons Unit should distribute the missing persons bulletins as broadly as possible, which includes all local hospitals and coroner's offices. The missing persons bulletin should also be distributed to auxiliary

officers and school crossing guards due to their widespread location and frequent interaction with the community. The missing persons website is further explained in these recommendations. Email blasts and other methods of communication information should be further determined and implemented by the Missing Persons Unit.

Finally, the Missing Persons Unit will serve as the primary contact point for people seeking information about a person reported missing, such as the missing person's family. In connection with its responsibility to serve as the contact point for people seeking information about a person reported missing, the Missing Persons Unit should develop a handout that includes next steps in the missing person investigation and resources related to missing persons. This handout should be distributed by the initial responding officer to the reporting person, and may be distributed by the Missing Persons Unit as appropriate. A list of available resources related to missing persons is attached as Appendix O. The Commission has not conducted an in-depth review of these resources, and provides this list as a starting point for further research.

In order to ensure proper communication between the Missing Persons Unit and the CPD, the Missing Persons Unit would be required to provide a weekly report to the CPD's Chief of Police.

2. Relocate missing persons liaison officer assigned to Record File Section to the Fusion Center.

Currently there is one missing persons liaison assigned to the Record File Section that follows up with families who have reported persons missing and facilitates reporting of information on missing persons into the required databases.

Recommendation

The missing persons liaison should be assigned to office space located within the Fusion Center and perform the job duties of the missing persons liaison from within the Fusion Center. This would allow more information sharing and collaboration of resources amongst a five county region. In addition, the missing persons liaison should be charged with creating a Missing Persons Bulletin that can be distributed to all law enforcement agencies throughout the five counties through the Fusion Center. The creation and distribution of a Missing Persons Bulletin through the Fusion Center will provide increased access to information on missing persons within a five county region, which will enhance the investigative process.

3. Revise and update the Missing Persons GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of missing persons.

The Commission has determined that the Missing Persons GPO that is currently in place is a good general order. It is extensive and follows the state of Ohio guidelines. However, it is a long document with many attachments and is not organized as well as it could be.

Additionally, the current Missing Persons GPO includes information on investigating both missing persons (18 and over) and missing children (17 and younger). The policies and

procedures for an investigation of a missing child are often different from the policies and procedures for an investigation of a missing person, as required by state law in some cases.

Recommendation

Therefore, the Commission recommends that the current Missing Persons GPO be divided into two revised general police orders—one that specifically addresses missing persons over the age of 18, and another that specifically addresses missing children. The scope of the Commission’s research and review was limited to missing persons. Accordingly, the Commission notes that the Oversight Committee (discussed later in this Report) should ensure that an appropriate missing children general police order is drafted, but the below recommendations are limited to the better practices related to missing persons investigation.

Recommendation: Definition of Missing Person

The Commission recommends that the following definition of missing person be included in the revised Missing Persons GPO:

A person is declared “missing” when his or her whereabouts are unknown and unexplained for a period of time deemed highly unusual or suspicious by knowledgeable parties, considering the person’s behavior patterns, plans, or routines.

This definition is recommended by the IACP in its model policy and has been adopted by several of the Comparison Police Departments, including the City of Bedford Heights Division of Police and the Kansas City Police Department. It will require the CPD to give appropriate deference to the judgment of families and loved ones of an individual that is reported missing. Additionally, this definition emphasizes the importance of investigating the missing person’s behavior patterns, plans, or routines, which will improve the quality of missing persons investigations.

Recommendation: Jurisdiction

The Commission recommends that the revised Missing Persons GPO expressly require all districts to take a report of a missing person, regardless of the location where the person went missing or the residence of the missing person. The Commission recommends the following language:

A person may be reported missing in any district, regardless of the location where the missing person was last seen or the residence of the missing person. The initial responding officer will take the missing persons report, regardless of jurisdiction. Upon completion of the missing persons report, the initial responding officer will determine the correct jurisdiction, and electronically transfer a copy of the missing persons report to the division or law enforcement agency that the initial responding officer determines to have jurisdiction. The initial responding officer will also submit the missing persons report to the Missing Persons Unit.

The Commission heard from the community that it is difficult to determine where to report a person missing. This recommendation alleviates that concern and ensures that no reporting person is turned away or frustrated by the reporting process and requires the CPD to immediately capture all information about the person reported missing, which allows the CPD to respond more quickly.

Recommendation: No Waiting Period to Report

The Commission recommends that the revised CPD Missing Persons GPO expressly state that there is no waiting period for reporting a person missing. The Commission recommends language similar to that used by the Baltimore Police Department:

Under no circumstances shall a reporting person be advised that they must wait a specific time period before a report can be made. There is NO waiting period for reporting a missing person.

One of the concerns expressed to the Commission is a belief that the CPD requires a certain period of time to pass before a person can be reported missing. It is the Commission's understanding that this is not accurate and that the CPD currently does not have a waiting period. However, expressly prohibiting a waiting period in the revised CPD Missing Persons GPO should change this inaccurate perception.

Recommendation: Customer Service of Initial Responding Officer

The Commission recommends that the revised CPD Missing Persons GPO expressly require the initial responding officer to demonstrate empathy towards the reporting person and others encountered during the investigation. The Commission recommends the following language, which is similar to that used by the Charlotte-Mecklenburg Police Department:

Officers will demonstrate empathy at all times towards individuals reporting a person missing and others that are interviewed or encountered during the missing person investigation. Additionally, officers will be vigilant in their attempts to form positive working partnerships with the families and associates of persons reported missing.

The Commission heard from the community that there is a general concern that individuals reporting a person missing are not always treated with empathy. A negative initial response from the CPD could negatively impact the investigation and the working partnership between the reporting person and the family.

Recommendation: Initial Response

The Commission recommends that the CPD internally review its missing person report form and determine whether changes or updates should be made based on the Commission's recommendations or other factors. The Commission recommends that the revised CPD Missing Persons GPO require officers to completely fill in the missing person report form. As the appropriate technology is implemented, the CPD Missing Persons GPO should be updated to

require officers to complete an electronic version of the missing persons report form, and submit that electronic report using an electronic system, such as email.

Additionally, the Commission recommends that during the initial contact with the reporting person, the initial responding officer provide a handout to the reporting person detailing the next steps of the investigation, additional resources related to missing persons, and the rights and responsibilities of the reporting person. This handout should be developed by the Missing Persons Unit immediately. If the Missing Persons Unit is not immediately implemented, the CPD should develop this handout immediately. Additionally, this handout should be available in multiple languages.

Recommendation: Communication with Reporting Systems, the CPD, and Surrounding Suburbs

The Commission recommends that the revised CPD Missing Persons GPO expressly set out the required interaction between the district level investigation and the newly created Missing Persons Unit, using language similar to the following for missing adults:

As soon as possible after completing the initial report, the initial responding officer will transfer a copy of the missing person report to the missing persons liaison located in the Missing Persons Unit at the Fusion Center. Immediately upon receiving the report, the missing persons liaison will:

1) enter all data into the appropriate reporting systems as follows:

- a) if the person reported missing is 18, 19 or 20 years old, the missing persons liaison will enter all information into the LEADS and NCIC databases within two hours from the time the original call is received.
- b) if the person reported missing is over the age of 21, and foul play is suspected, the missing persons liaison will enter all information into the LEADS and NCIC databases immediately upon receipt.
- c) if the person reported missing is over the age of 21, and no foul play is suspected, the missing persons liaison will enter all information into the LEADS and NCIC databases within 30 days of receipt of the report.
- d) if the person reported missing is over the age of 21, and evidence of foul play is discovered within seven days of receipt of the report (but is not initially suspected), the missing persons liaison will enter all information in the LEADS and NCIC databases within seven days of receipt of the initial report.
- e) if the person reported missing is over the age of 21, and evidence of foul play is discovered eight or more days after receipt of the report (but is not initially suspected), the missing persons liaison will enter all information in the LEADS and NCIC databases within forty-eight hours of discovery of the evidence of foul play.

- f) for all persons reported missing, the missing persons liaison will ensure that the senior data conversion operator has entered all information into the RMS reporting system.

In addition to the reporting requirements, for all persons reported missing, the initial responding officer will request that the Communications Control Section initiate a broadcast to all districts immediately. Additionally, missing persons liaison will immediately initiate a teletype to all law enforcement agencies of surrounding suburbs.

The Commission emphasizes the importance of complying with state and federal reporting requirements, and recommends the use of the missing persons liaison in order to streamline this process and ensure that it is being completed. The Commission understands that a missing persons liaison currently performs similar job functions out of the Record File Section, but believes that clearly defining this role in the CPD Missing Persons GPO will improve compliance with reporting requirements.

Recommendation: Investigative Steps

The Commission recognizes that the current Missing Persons GPO includes a list of investigative steps that provide a good starting point for the investigation. The current Missing Persons GPO requires the initial responding officer to contact: (1) the Warrant Unit; (2) the Report Intake/Review Unit (to determine if the missing person is in the hospital); (3) the Cuyahoga County Coroner's Office; (4) the Communications Control Section (to determine if any vehicle related to the missing person has been towed); (5) the Alzheimer's Association (if dementia or Alzheimer's is involved); and (6) the Coast Guard (if the person reported missing was last seen near a body of water).

The Commission recommends that the list of required investigative steps be expanded. For example, the Chicago Police Department provides officers with 41 investigative steps that must be taken. The initial responding officer should be required to take additional investigative steps, including, but not limited to, the following: (1) the names of the persons reported missing must be checked against the arrest register; (2) seek written permission from the person controlling the residence or vehicle of the missing person in order to gain access to conduct a search; (3) collect DNA samples from the person reporting missing, if possible, using such resources as the missing person's toothbrush, hair brush, or pieces of clothing; (4) obtain a picture of the person reported missing; and (5) obtain fingerprints of the person reported missing.

Recommendation: Closing Case

The Commission recommends that the Missing Persons GPO expressly require the missing persons liaison to enter a follow-up report into the NCIC database, LEADS, and its internal RMS system that removes a located person from the system. The Commission further recommends that the CPD maintain its existing policy of verifying the identify of a located person by personally interviewing the person, or arranging for a law enforcement agency in the jurisdiction where the person is located to visibly verify that the person has been located.

In addition, the Commission recommends that the Missing Person GPO state that officers are not permitted to force a competent adult to return to a location to which the competent adult does not wish to return. If a competent adult that is reported missing does not want to return, the officer should inform the reporting person that the missing person has been located, and is not in danger, but should not disclose the located person's location.

4. Create a missing persons website.

There is a perceived lack of collaboration as well as communication between law enforcement, media, and those who have reported a person missing. Although the CPD appears to work diligently to recover a missing person, the community is not aware of the CPD's efforts and feels that their loved ones are not being actively searched for.

Recommendation

In order to increase public participation and public awareness, it is recommended that the CPD create a missing persons website that will provide a way for the community to be more aware of, and involved in, missing persons investigations. This website should enable the public to have immediate, searchable access to information on persons reported missing. However, before information (including, but not limited to, a physical description of the missing person, a photograph of the missing person, and a description of the location where the missing person was last seen) about a person reported missing is posted to the website, the CPD must obtain approval from the family of the missing person to post information about the missing person on the website. The website must be maintained and updated on a regular basis. After the relocation of the Missing Persons Liaison to the Fusion Center, the Missing Persons Liaison may be charged with maintenance of the website. The missing persons websites available through the Atlanta Police Department and the Charlotte-Mecklenburg Police Department provide good starting points for a missing persons website.

Additionally, as the website is developed, the developers should consider enabling multiple levels of access. The public level of access would not be password protected and would provide basic information, and could allow for the public to submit tips and information on missing persons. A law enforcement level of access would be password protected and would provide law enforcement agencies from within the five county area served by the Fusion Center with access to more detailed information on the investigation. The law enforcement level of access could also allow officers to enter updated information into the website.

The CPD's missing persons website should be linked to and with appropriate websites, including the websites of other law enforcement agencies, the Ohio Attorney General website, and the City of Cleveland's home page. The CPD's missing persons website also should be easy to locate from the CPD's main webpage.

5. Revise and update the Sex Crimes GPO to include better practices used by Comparison Police Departments and create a nationally recognized best practice for the investigation of sex crimes.

The Commission believes that the CPD has a tremendous opportunity to be a leader in developing nationally recognized policies and procedures for sex crimes investigations, and to

take a leadership role in establishing a model policy to be used by the Ohio Attorney General, in a manner similar to the existing OAG Missing Persons Best Practices Protocol.

As a result the Commission recommends that the CPD revise and update its Sex Crimes GPO as detailed below.

Recommendation: Comprehensive Policy

The current Sex Crimes GPO mainly focuses on evidence collection techniques, and provides little guidance on the comprehensive investigation. The Commission recommends that the scope of the Sex Crimes GPO be significantly expanded to provide comprehensive guidance on the investigative procedure from the initial report to the conclusion of the case.

Recommendation: Initial Response

The Commission recognizes the difficulty in training all patrol officers to respond to a sex crime report with the express skill-set required to respond to a crime of this nature. It may not be feasible to train all patrol officers on the unique needs of a sex crime victim.

The Commission recommends that the responsibility of the patrol officer that initially responds to a report of a sex crime be limited so that the sensitive parts of the investigation are handled by a specially trained Sex Crimes Unit detective. The Commission recommends that the revised Sex Crimes GPO include a requirement similar to the Columbus Division of Police (and incorporating some language from the Baltimore Police Department):

The patrol officer may be the primary responder to a report of a sex crime. The patrol officer must maintain a high level of sensitivity to the victim and show the utmost regard to for a victim's physical and emotional well-being. The patrol officer's responsibilities are limited to: (1) caring for the victim's immediate medical needs; (2) obtaining all information necessary to protect and secure potential evidence; (3) ascertaining jurisdiction; and (4) identifying suspects. The patrol officer should limit the interview of the victim to the questions required to handle the patrol officer's responsibilities. The patrol officer should contact the Sex Crimes Unit detective as soon as possible, and the Sex Crimes Unit detective should conduct any in-depth interview or investigation.

Limiting the patrol officer's responsibilities allows the patrol officer to take immediate action on tasks that the patrol officer is well-trained to complete, while recognizing that the sensitive nature of sex crimes requires specialized training. This recommendation also eliminates the gap in time that currently exists between when a sex crime is reported and when the Sex Crimes Unit responds to the sex crime report.

The Commission recognizes that this recommendation may require additional resources, such as a Sex Crimes Unit that is operational 24 hours a day, seven days a week, and recommends that the required additional resources be allocated to the Sex Crimes Unit.

Recommendation: Rapid Response

The Commission is aware that, if the patrol officer's responsibilities are limited, the Sex Crimes Unit and other specialists will need to be called in sooner. Therefore, the Commission recommends that the CPD establish a rapid response team that responds to certain sex crimes cases, such as those involving a stranger or those that are immediately reported. The Austin Police Department's policy provides an example of triggers that require a rapid response; the triggers include a report of a sex crime that involves a home invasion, a serial rapist, or the arrest of a suspect for a felony charge. The rapid response team should consist of a representative of the Sex Crimes Unit and a professionally trained victim advocate. The patrol officer should immediately contact the Sex Crimes Unit and involve the rapid response team in the response to a reported sex crime as soon as possible.

Recommendation: Interaction with Hospital

The Commission understands that it is the current practice of the CPD to take certain victims to one of the local hospitals that has a SANE Unit. SANE nurses examine victims of sexual assault and collect forensic evidence. The forensic evidence is packaged in a secure container, known as a "rape kit," that is collected by a patrol officer. The current Sex Crimes GPO describes the process that the patrol officer must use to maintain the chain of custody so that the rape kit is admissible as evidence in a potential future trial.

The Commission recommends that the revised Sex Crimes GPO require the initial responding officer and/or the Sex Crimes Unit detective to advise all victims of the hospitals with SANE units and transport all victims of recent (within the past 96 hours) sex crimes to the closest hospital with a SANE Unit, unless the victim objects. The Commission further recommends that the existing requirements related to the chain of custody remain in the revised Sex Crimes GPO. More information about SANE Units is attached as Appendix Q.

Recommendation: Forensic Evidence

The existing Sex Crimes GPO provides extensive guidance on the proper techniques for obtaining forensic evidence from a victim of a sex crime. The Commission recommends that these procedures be reviewed and, if they represent the best practices for evidence collection, be incorporated into the revised Sex Crimes GPO in a condensed format.

The Commission further recommends that the Sex Crimes GPO expressly require that the Sex Crimes Unit detective immediately submit forensic evidence to a certified crime lab for processing in cases if the Sex Crimes Unit detective determines, after consultation with the Police Legal Advisor (described in recommendation 12, below), that forensic evidence would be useful to an investigation or prosecution. The Sex Crimes Unit detective must immediately submit forensic evidence to a certified crime lab if the suspect is unknown (because forensic evidence could identify the suspect) or if the suspect denies sexual contact with the victim (because forensic evidence could confirm or deny that sexual contact did occur). In all other cases, the Sex Crimes Unit must use reasonable discretion, in consultation with the Police Legal Advisor, to determine whether forensic evidence would be useful to an investigation or prosecution.

Recommendation: Customer Service

During its field experience, the Commission learned that the Sex Crimes Unit has a close working relationship with the Cleveland Rape Crisis Center. Both the Sex Crimes Unit and the Cleveland Rape Crisis Center expressed an understanding of the importance of that relationship and a desire to see it develop further. However, it is the Commission's understanding that information on available resources is not uniformly distributed to victims. The community expressed a lack of understanding of available resources and next steps in the investigative process.

The Commission recommends that the Sex Crimes Unit develop handouts that contain information on the next steps in the investigative process, information on available resources, and the rights and responsibilities of the victim. These handouts should be distributed to victims and their families by the Sex Crimes Unit detectives as well as the initial responders. The Austin Police Department and the Atlanta Police Department are each required to provide similar information to victims. A list of available resources for victims of sex crimes is attached as Appendix P. The Commission has not conducted an in-depth review of these resources, and provides this list as a starting point for further research.

Recommendation: Victim Advocacy

The importance of victim advocacy is highlighted throughout this Report. The Commission recognizes the value of involving a victim advocate in the process of investigating a sex crime. A victim advocate who responds to sex crimes is trained in crisis intervention, rape trauma syndrome, and the resources available to victims. A victim advocate can help further explain the criminal justice process and provide empathy to the victim and their family. The advocate can often assist the police in communicating with the victim.

The Commission recommends that the revised Sex Crimes GPO state that any officer and/or detective responding to a sex crime explain the role of the victim advocate, and help access an advocate if the victim wants one. Advocates from CRCC are available and on-call 24/7 to meet with victims at any hospital or police station in the County. Advocates from CRCC and Cuyahoga County Witness/Victim Service Center work with victims throughout the entire criminal justice process.

Recommendation: Technology

The Commission understands that there are certain technological improvements being made in the Sex Crimes Unit, including the installation of updated software. The Commission recommends that the revised Sex Crimes GPO include requirements that all persons involved in the reporting, investigating, and follow-up of sex crimes cases check their email on a regular basis, use the web-based electronic case management system (described in recommendation 7, below), and utilize laptops and portable printers to increase efficiency when out in the field. The Commission's recommendations on technology for the Sex Crimes Unit are below; this recommendation requires the Sex Crimes Unit to utilize that technology.

Recommendation: Sex Crimes Manual

The Commission recommends that the Sex Crimes Manual be updated to reflect the changes to the GPO and other recommendations made by the Commission, and better practices identified within the comparison cities. The Sex Crimes Manual should be reviewed in conjunction with the Sex Crimes GPO and revised as warranted.

6. Immediately implement a communications system in the Sex Crimes Unit to provide victims more timely access to detectives and to give detectives better options to contact victims.

In order to continually increase victim reporting and participation, it is imperative that victims be able to contact detectives in the Sex Crimes Unit to communicate and report time-sensitive information.

Recommendation

It is the Commission's recommendation that detectives in the CPD's Sex Crimes Unit, immediately be provided with improved communications systems that enable victims and their families to easily contact detectives. The Commission suggests that the City consider communications systems such as City-issued cell phones or smart phones, email access, and additional technology. The Commission understands that some of this technology may be in place or in progress. If there are communications systems in place that are not being effectively utilized, the Commission recommends training on the use of the communications systems and integration of the communication systems into the Sex Crimes Unit's policies and procedures. Additionally, the appropriate general police orders, including the Sex Crimes GPO, should be updated to require officers to use all technology that is implemented in an appropriate and efficient manner.

The immediate implementation of improved communications systems will facilitate victim reporting as well as offender accountability.

7. Implement web-based electronic case management system in the Sex Crimes Unit.

The use of technology can increase the efficiency of law enforcement agencies, as seen in some of the Comparison Police Departments. Filing of web-based electronic reports increases productivity as well as accountability. The less time detectives use to complete handwritten reports, send multiple facsimiles, or otherwise use outdated technology, the more time detectives can spend investigating criminal acts. Currently, the Sex Crimes Unit receives all reports via facsimile and in some instances, it may take up to 48 hours for a case to be assigned to a detective. All cases are logged manually by the supervisor and the log is reviewed on a regular basis. If a victim, law enforcement agent, attorney, or prosecutor calls the Sex Crimes Unit for information on a particular case, the individual answering the phone (unless the caller goes into the general voicemail) must physically look up the pertinent information in the log book to ascertain which detective is assigned to the case. Once the name of the detective is known, the person must then go to the detective's desk to locate the file. This is not an effective use of time or resources..

Recommendation

In order to increase the efficiency within the Sex Crimes Unit, the entire unit should implement an electronic case management system. This would allow for more timely receipt of reports from first responders, assignment of cases to the various detectives, evaluation of caseload of each detective, follow-up on cases, and response to inquiries. If all case information within the Sex Crimes Unit were available electronically, information could be communicated and disseminated in a much more effective manner.

8. Improve the physical environment for victims making sex crimes reports and statements at the district level and in the Sex Crimes Unit.

A victim of a sex crime is under extreme emotional stress at the time of reporting. Based on the Commission's field experiences, the physical environment of the locations where a victim is likely to report a sex crime, or make a statement about a sex crime (the Sex Crimes Unit, district police stations, and the Justice Center) are not inviting, warm or comforting. These locations do not provide a physical environment that encourages or supports victims when filing reports. Victims should not have to speak to a police officer through a window or in an open area where the conversation is easily overheard to report that they are the victim of a sex crime.

Recommendation

The Commission recommends that the Sex Crimes Unit be immediately relocated to a temporary location that is victim-friendly and neutral, such as 205 St. Clair Avenue. The Commission recommends that the guiding principles for the redesign of the Sex Crimes Unit are that the Sex Crimes Unit: (1) be as comfortable as possible for the victim; (2) be equipped with updated technology; and (3) be set-up to maximize the efficiency of the detectives. Additionally, the relocated Sex Crimes Unit should include an interview room equipped with tape and video recording technology and furnished with comfortable living-room style furniture. The Commission recommends that changes to the physical environment be made within 12 months from the date of this Report.

At the district level, each police station should create a private area so that a victim reporting a sex crime can feel a sense of privacy and security.

It is the Commission's understanding that Cleveland is exploring the idea of a Family Justice Center that would house all services related to family violence, similar to the San Diego Family Justice Center. As the Family Justice Center develops, the CPD should re-evaluate locating the Sex Crimes Unit within the Family Justice Center.

9. Provide an administrative professional to serve as office personnel in the Sex Crimes Unit.

Detectives in the Sex Crimes Unit currently spend significant time processing paperwork. A detective's time is too valuable to be spent performing administrative and clerical tasks such as answering telephones, taking messages, time-keeping, filing, scheduling interviews, and attending to computer hardware and software issues. Instead, an investigating detective's time is best utilized investigating crimes and following up on leads.

Recommendation

It is the recommendation of this Commission that an administrative professional be assigned/employed within the Sex Crimes Unit to handle the various administrative functions so that the detectives may utilize their time more efficiently and effectively. The administrative professional's responsibilities could also include picking up rape kits from hospitals, a function currently performed by patrol officers. Although there are concerns with respect to access and handling of confidential information, the same process used within the district offices can be utilized within the unit. This recommendation will also warrant collaboration with the Cleveland Police Patrolmen's Association during the upcoming union negotiations, and possibly with the City's Civil Service Commission.

10. Dedicate a detective from the Sex Crimes Unit to work on the newly created Violent Crimes Task Force under the jurisdiction of the Federal Bureau of Investigation.

The FBI has established a Violent Crimes Task Force in its Cleveland Office. This task force will address patterns of cross-jurisdictional violent crime in northeast Ohio and provide assistance to local law enforcement agencies. The FBI requested the participation of one deputy from the Cuyahoga County Sheriff's Department and one officer from the CPD on the task force. The Commission was informed the Cuyahoga County Sheriff's Office has assigned a deputy, and no response has yet been received from the CPD.

Recommendation

The Commission recommends that the CPD assign one of their Sex Crimes Unit detectives to work with the Violent Crimes Task Force. This will facilitate a better understanding of local sex crimes within the Violent Crimes Task Force, and encourage a close working relationship between the CPD, the FBI, and the Cuyahoga County Sheriff's Office.

11. Expand of the City of Cleveland Municipal Prosecutor's Domestic Violence Unit to include sex crimes.

Currently, the Cleveland Sex Crimes Unit detectives refer all cases to a City of Cleveland Municipal Prosecutor ("City Prosecutor") for a determination of probable cause for criminal charges - felony or misdemeanor. If the City Prosecutor determines that sufficient evidence exists, the City Prosecutor will issue charging documents, called "papers." On the other hand, if the City Prosecutor determines that the evidence presented is insufficient for a probable cause finding, no papers are issued, and a reason should be given as to they were not. When papers are issued, the Sex Crimes Unit detective then presents the papers to the County prosecutor, who arranges for presentation to the grand jury. The grand jury hears the evidence and determines if it is sufficient for an indictment of a criminal defendant.

The City's Department of Law currently has, within the City Prosecutor's Office, a Domestic Violence Unit ("DVU") comprised of prosecutors and an advocate whose sole function is reviewing domestic violence cases and issuing charges where probable cause is found. This is a specialized group that has ongoing day-to-day experience and training specifically in handling domestic violence cases. This specialization increases the likelihood that cases presented for

charges result in more timely and effective (trial-ready) charges presented to the grand jury for indictment.

Recommendation

It is the recommendation of the Commission that the DVU be expanded to include sex crimes. The combined unit would then be known as the Domestic Violence and Sex Crimes Unit (“DVSCU”). With the expansion of the DVU to the DVSCU, several new City prosecutors with specialized training on the investigation and prosecution of sex crimes should be assigned to the DVSCU, as well as one or two professionally trained advocates with specialized training in working with victims of sex crimes. Additional administrative and paralegal support will also be required.

The DVSCU would review and assist with sex crimes cases as the DVU currently does with domestic violence cases. Further, by adding professionally trained victim advocates, sex crimes victims would be immediately provided with the resources needed to guide them through the criminal process. The immediate availability of a professionally trained advocate will increase the victim’s understanding and comfort with the legal system. Additionally, the professionally trained advocate will be able to help the victim with health care, employment, and child care issues. The lack of understanding of the legal system and the victim’s inability to obtain assistance with health care, employment, and child care issues have each been identified by the Commission as deterrents to victims reporting and/or prosecuting sex crimes.

The City should periodically evaluate whether the expansion of the DVU to the DVSCU has resulted in an increase of victims moving forward to prosecution as well as consider the number of prosecutions that result in convictions on the indicted counts and the number of indicted counts in individual cases. The Commission recommends that this evaluation take place at least once every 12 months, but not more than 24 months should elapse without such an evaluation having been conducted, after the expansion of the DVU to the DVSCU.

12. Cleveland Department of Law should provide a City Prosecutor to serve as Police Legal Advisor (“PLA”) to the Sex Crimes Unit for consultation and case preparation review.

Detectives within the Sex Crimes Unit are under tremendous pressure to perform on behalf of victims – children and adults – and to ensure that offenders are held accountable. The day-to-day activities can be further enhanced by having immediate access to legal counsel throughout the process of investigation, interviewing, and case preparation.

Recommendation

With the expansion of the City Prosecutor’s Office’s Domestic Violence Unit to include sex crimes investigations, the City Prosecutor should also assign, on a full-time basis, a prosecutor from the expanded Domestic Violence and Sex Crimes Unit to provide day-to-day legal advice to the Sex Crimes Unit in the capacity of a PLA. The PLA would have an office within the Sex Crimes Unit and work with the detectives on a daily basis as part of the team by providing on-going legal advice and consultation to the detectives regarding investigations, evidence collection, case preparation and prosecution. The PLA should rotate on a

monthly/quarterly basis with other prosecutors of the expanded Domestic Violence and Sex Crimes Unit. Assigning City prosecutors to the Sex Crimes Unit as PLAs will increase the effectiveness of the Sex Crimes Unit.

13. Renegotiate the Collective Bargaining Agreement between the City of Cleveland and the Cleveland Police Patrolmen’s Association (the “CBA”) to allow the assignment of officers into the Sex Crimes Unit based on skill-set, performance, and experience.

Under the CBA in place through March 31, 2010, the Chief of Police is required to fill one-half of the vacancies in the Sex Crimes Unit based on seniority, and is permitted to fill one-half of the vacancies without regard to seniority. The Commission has determined that an individual’s unique experiences, drive, and skill-set are qualities that determine whether a detective will be effective in the Sex Crimes Unit. Thus, seniority picks may not result in the most qualified officers being placed in the Sex Crimes Unit, which would negatively impact the overall effectiveness of the Sex Crimes Unit.

Moreover, under the current CBA, selections into the Narcotics Unit and the Organized Crime-Intelligence Unit are permitted to be made without regard to seniority. Similarly treating the Sex Crimes Unit, under a renegotiated CBA, would only serve to improve the investigation of sex crimes in Cleveland.

Recommendation

The Commission recommends that all assignments into the Sex Crimes Unit be made based on an assessment of an officer’s skill-set, performance, and experience. All officers should be interviewed in order to determine the skills each officer possesses. Questions eliciting an officer’s desire and enthusiasm to work in the Sex Crimes Unit, communication skills, and victim sensitivity should be asked. Additionally, an officer’s experiences should be considered, including the officer’s level of education, any specialized training, or prior assignment in an investigative unit. This multifactor analysis will allow the Chief of Police to make appropriate selections that will ensure that the Sex Crimes Unit is supported by the most qualified detectives.

Changing the selection process will align the CPD with other Comparison Police Departments. For example, the Austin Police Department selects detectives to the Sex Crimes Unit and Missing Persons Unit based on a desire to investigate, work experience, interpersonal skills, and general reputation as a detective. Similarly, the Virginia Beach Police Department selects detectives to the Special Victims Unit and the Investigative Division of the Missing Persons Unit based on a written statement of interest, review of the personnel file, and a supervisor’s recommendation.

14. Review the Memorandum of Understanding between the Cuyahoga County Department of Children and Family Services regarding referrals to the CPD’s Sex Crimes Unit.

It is the Commission’s understanding that the Cuyahoga County Department of Children and Family Services (“DCFS”) and the CPD entered into a Memorandum of Understanding (“MOU”), in accordance with the requirements of Section 2151.421 of the Ohio Revised Code.

The Commission further understands that the MOU only requires DCFS to report emergency cases of physical and sexual child abuse and neglect to the Sex Crimes Unit. However, it is the Commission's understanding that DCFS's current practice is to send all referrals received, regardless of the degree of emergency, to the CPD's Sex Crimes Unit. The Commission expects that the purpose of forwarding the referrals is to enhance and foster communication and collaboration between the two organizations and to increase the likelihood that criminal patterns will be detected.

However, the Sex Crimes Unit receives over 1,000 referrals each month from DCFS. When the DCFS referrals are combined with the existing caseload, the Sex Crimes Unit does not have the necessary resources to review the referrals and input the data from the referrals into the Records Management System. Therefore, the Commission has determined that the current process is not the most effective method and appears not to be achieving the desired outcomes.

Recommendation

It is the recommendation of this Commission that the MOU between DCFS and the CPD be revisited within three months from the date of this Report to determine: (i) the necessity of forwarding all DCFS referrals to the Sex Crimes Unit; (ii) the type of referrals that should be forwarded to the Sex Crimes Unit; and (iii) the most effective means to forward the referrals electronically. Under the revised MOU, DCFS should be responsible for triaging the referrals received and sending only the most serious referrals to the CPD. The Commission recommends that the revised MOU contain detailed criteria that DCFS must use to determine which referrals should be sent to the CPD.

Additionally, the revised MOU should require improved interfacing technology between the DCFS computer system and the CPD's Record Management System. The interfacing technology should enable DCFS to directly input information into the CPD's Record Management System so that the Cleveland Sex Crimes Unit can more easily detect a pattern of crimes involving sexual acts. During the realignment and/or negotiation of the MOU, the parties should also consider utilizing the Fusion Center to help coordinate and facilitate the data intake. This would allow the members of the Fusion Center to have immediate access to the data in "real time" and analyze any potential criminal patterns. This would also allow the CPD to access and interpret the data in real time. Creating an interface that allows the DCFS computer system to interact directly with the CPD's Record Management System will better accomplish the goal of the MOU.

15. Implement mandatory training on best practices in report taking and investigation of missing persons and sex crimes.

It is the Commission's understanding that there is currently no regular mandatory training on best practices for taking initial reports or investigating missing persons and sex crimes outside of the Ohio Peace Officer Training Academy. The lack of regular required training in these areas was a concern expressed to the Commission from multiple sources during the Commission's field experience, interviews, and focus groups. The Sex Crimes Unit did indicate that it has an informal practice of providing feedback to patrol officers submitting initial reports

that are especially helpful or especially unhelpful. The Commission recognizes that this is a good practice; however, it should be formalized.

Recommendation

The Commission recommends that all CPD personnel that have a role in the process of taking reports on, and investigating, cases involving missing persons and sex crimes be required to participate in additional training every three years on best practices in report taking and investigation. These personnel include, but are not limited to, police officers and dispatchers. The required training must include a review and explanation of the requirements of the CPD Missing Person GPO and the CPD Sex Crimes GPO. Additionally, the required training should emphasize the important role first responders play in establishing rapport with victims and/or their families, which significantly contributes to their full participation in the criminal justice process. In relation to missing persons, this training will also include training on when and how to utilize the Community Emergency Response Team (“CERT”) to assist with missing person searches and on DNA collection. In relation to sex crimes, this training will also include training on the use of computers to search for perpetrator information.

In order to minimize cost and maximize the number of officers that can receive the training, this training can be done by video or computer to facilitate access to the training at different times. For example, computer based sex crime training is available through the Sexual Assault Training & Investigations website <http://www.mysati.com>. The Commission has not conducted an in-depth review of this training, and references it only as an example and starting point for further research.

The appropriate personnel must review the required training annually to determine if it needs to be updated based on revisions to the Missing Persons GPO and Sex Crimes GPO. During this review, the appropriate personnel must also consider whether the training needs to be updated based on better practices or better trainings that have been developed.

16. Create and deliver training to all CPD personnel on customer service in order to improve the interaction between the public and the CPD, and the public’s perception of the CPD.

The Commission recognizes that eroding confidence in, and image of, law enforcement is a national issue. Additionally, the Commission recognizes that this lack of confidence in law enforcement is much higher across the country in urban areas with high concentrations of minorities. Based on the Commission’s field experience, interviews, focus groups, and community forums, the Commission has identified public confidence in the CPD and the image of the CPD as issues that can be improved upon. The Commission notes that the way that citizens feel about the way the police treat them affects their level of respect for the law and the police. Officers cannot be effective in their work without the confidence and trust of the citizens.

Recommendation

The CPD should immediately create and implement a training program that reinforces the importance of all CPD personnel being courteous and friendly to citizens during all interactions.

The training should also emphasize the importance of responding quickly and professionally to all requests for assistance.

Additionally, the training should educate personnel about the negative effects of trauma and how officers' attentiveness to victims can have a positive effect, not only for the victim but for the image of the CPD. The training should instruct officers to make fairness their guide in decision-making interactions with citizens wherever possible. Fairness is the most powerful predictor of the public's confidence and support for the police.

17. Provide training on unique issues facing marginalized populations to police officers and dispatchers.

Cleveland is a diverse city. Based on the Commission's focus groups and community forums, the Commission has determined that marginalized populations are often underserved due to language barriers, cultural barriers, and a lack of understanding by the CPD of the issues facing marginalized populations.

Recommendations

The CPD should immediately identify marginalized populations within the City including, but not limited to, people with addictions, mental illness, and/or developmental disabilities, homeless persons, immigrant populations, persons who do not speak English as a first language, and lesbian/gay/bi-sexual/transgender/questioning persons. After identifying marginalized groups, the CPD should identify obstacles or barriers these populations encounter when attempting to access criminal justice services, and develop solutions to overcome them. The CPD should create a training that informs the police officers and dispatchers about the obstacles marginalized populations face and ways that police officers and dispatchers can minimize those obstacles. Training related to marginalized populations should be provided to police officers and dispatchers at least once every two years. The first training related to marginalized populations should be provided within 12 months, but no longer than 24 months, from the date of this Report.

The CPD should utilize community experts within, or working with, these populations to create and deliver training to all officers. Many of these organizations would welcome the opportunity to participate in this training at little or no cost.

18. Contract with an external agency to conduct an initial audit of CPD's operations for quality assurance twelve months after implementing the Commission's recommendations.

The Commission has determined that additional procedures to monitor the effectiveness of the CPD in the areas of sex crimes investigations and missing persons investigations will improve the quality of those investigations.

Recommendation

The Commission recommends that the Civilian Police Review Board, on behalf of the CPD, contract with an external agency to conduct an initial audit of CPD's operations for quality

assurance. Safety and security audits are a tool utilized by forward-thinking law enforcement organizations to gain valuable information from the communities they serve and the organizations with which they partner. The product of these audits is recommendations to improve the organization, similar to the work completed by the Commission. The benefit of contracting with an external agency performing safety and security audits is the experience and expertise they bring to the process, along with having no preexisting relationship to the organization or community being audited. An example of such an agency is Praxis International, located in St. Paul, Minnesota. The Commission has not conducted an in-depth review of this agency, and references it only as an example and starting point for further research.

19. Utilize the Civilian Police Review Board as an oversight body to review the CPD's handling of missing persons and sex crimes investigations on an ongoing basis.

Reports of missing persons and sex crimes will continue long after the date of this Report; therefore, it is imperative that the City remains focused on continually improving the quality of its investigations.

The Civilian Police Review Board ("Review Board") was created in 1984 following a City Charter Amendment voted on by the citizens of Cleveland. The Review Board consists of seven civilian members appointed by the Mayor and approved by City Council. The Review Board is currently responsible for reviewing complaints, investigating incidents of alleged police misconduct, and recommending any necessary discipline. In addition, the Review Board reviews matters brought to its attention by the Director of Public Safety.

Recommendation

This Commission recommends that the Director of Public Safety direct the Review Board to oversee the CPD's handling of missing persons and sex crimes investigations on an on-going basis. The CPD should provide quarterly reports and regular updates to the Review Board on the status of investigations, case-loads, victim participation, prosecution, and any other items deemed of material concern by the Review Board that impact the day-to-day operations of the Sex Crimes Unit and newly created Missing Persons Unit. The Commission also recommends that the current vacancy on the Review Board be filled by a professionally trained victim advocate or social worker with experience in the area of assisting victims of sex crimes and/or missing persons. At least one seat on the Review Board should at all times be held by a professionally trained victim advocate or social worker with experience dealing with victims of sex crimes and/or missing persons.

20. Contract with an external agency to survey the community's perception of the CPD and provide feedback twelve months after implementing the Commission's recommendations.

The Commission, in this Report, has emphasized the importance of a positive relationship between the community and the CPD, and provided recommendations for continuous improvement of this relationship. The Commission notes that there seems to be some disconnect between how the CPD thinks that the community perceives it and how the community actually perceives the CPD.

Recommendation

In order to ensure that the relationship between the community and the CPD is improving based on the steps taken by the CPD in response to this Report and otherwise, the Commission recommends that the Review Board, on behalf of the CPD, contract with an external agency twelve months after implementing the Commission's recommendations to determine whether the community's perception of the CPD is improving.

It is important that the survey be conducted by an external agency to avoid any perception of bias. The Commission recognizes that an external agency with expertise in community surveys is in the best position to determine the appropriate methodology for such a survey. However, the Commission recommends that the external agency's methodology include random phone interviews and in-person interviews of community members. Additionally, the Commission emphasizes the importance of obtaining feedback from marginalized populations, including, but not limited to, persons with addictions, mental illness, and/or developmental disabilities, homeless persons, immigrant populations, persons who do not speak English as a first language, and lesbian/gay/bi-sexual/transgender/questioning persons.

The survey should evaluate at least such issues as whether the community trusts the CPD and views the CPD as an ally, whether the community feels comfortable reporting crimes to the CPD, and whether the community perceives that the CPD responds to certain groups differently based on location within city, race, gender, addiction, and other factors. The external agency may, at the direction of the Oversight Committee appointed to monitor the CPD's implementation of the Commission's recommendations (described in the Implementation section, below), evaluate additional issues relevant to the community's perception of the CPD.

21. Complete a caseload evaluation in the Sex Crimes Unit twelve months after implementing the Commission's recommendations.

Currently the Sex Crimes Unit has approximately 10 active detectives, each with an average case load of approximately 30 cases. We are unable to determine whether this is a reasonable case load in comparison to other law enforcement agencies due to differences in how sex crimes are classified and recorded, how sex crimes units are structured, and technology and interaction with other agencies that may increase efficiencies. None of the Comparison Police Departments is structured similarly enough to the CPD to allow an effective analysis. The Commission heard conflicting feedback from interviewees regarding the caseload of the Sex Crimes Unit detectives.

Recommendation

At least 12 months, but not longer than 24 months, after the implementation of these recommendations, including oversight by the Review Board, the Commission recommends that the Review Board conduct an audit and evaluation of the caseload of the detectives within the Sex Crimes Unit as well as the Missing Persons Unit to determine whether the caseload per detective is appropriate. The Review Board should consult with external agencies to obtain data on the caseload of other police departments and on best practices regarding caseload. If the Review Board determines that the caseload is not appropriate, the Review Board should make

and implement appropriate recommendations to ensure caseload properly balances cost and investigative power.

22. Continue to support criminal justice initiatives that are currently underway in Cleveland and the County.

The mission of the Northeastern Ohio Regional Fusion Center is “to facilitate and enhance the level of inter-agency communications, intelligence analysis, and information sharing among federal, state, and local stakeholders and the public and private sectors.” The Fusion Center is not a law enforcement agency; however it presents significant opportunity for analysis of information across physical borders and various levels of government.

The Cuyahoga County Justice Reform Initiative will streamline the processing of certain felony cases, which will conserve resources that can then be utilized to address the most serious cases. This initiative will also decrease the costs of incarceration. More information on the Cuyahoga County Justice Reform Initiative is available through its website at <http://jsr.cuyahogacounty.us/en-US/about-jsr.aspx>.

The Cuyahoga County Sexual Assault Response Team (“SART”) is a consortium of professionals who provide direct services (i.e. medical care, counseling, advocacy and justice system assistance) to individuals who have been sexually assaulted and represent organizations that provide services related to special populations. The goal of SART is to improve communication and coordination among these disciplines, establish more Sexual Assault Nurse Examiner (SANE) Units throughout the county, improve the evidence collection process (as determined by whether evidence is admissible at trial), increase prosecution rates, and advocate for greater understanding of SART and how it operates.

A Family Justice Center is in the planning process in Cleveland. The goal of the Family Justice Center is to coordinate services for victims of violent crimes in one location. This will ensure that advocates, police, prosecutors and other social service providers are available in a peaceful and pleasant environment. The San Diego Family Justice Center should serve as an example as Cleveland pursues this service. More information about the San Diego Family Justice Center is available at <http://www.sandiego.gov/sandiegofamilyjusticecenter/>.

Recommendation

The Commission recommends that the CPD utilize the Fusion Center to analyze information about missing persons, which will help the CPD discover patterns in missing persons reports.

The Commission recommends continued general support for the County Justice Reform Initiative, SART, and the Family Justice Center, by providing appropriate personnel and funding if necessary and available. The Commission also specifically recommends participation by the CPD at the bi-monthly SART meetings along with adoption of “best practices” created or recommended by SART.

23. Implement a community awareness, relations, and education campaign.

During community forums held by the Commission, citizens frequently commented that they felt disconnected from the police working in their neighborhoods and that they were concerned that the CPD's permits unresponsiveness and unsympathetic treatment of reporting persons.

Recommendation

The Commission recommends that CPD launch a public awareness, relations, and education campaign to combat these concerns. The campaign should be multi-faceted and include use of billboards, Channel 20, the internet, various media outlets, and other methods of communication. The campaign should identify and disseminate a multi-part message that would encourage individuals in the community to report crime to the CPD with greater frequency. This message must include assurance to citizens that those reporting crimes will be believed and their reports will be acted on without any undue scrutiny of the reporting person. In addition, the campaign should make citizens aware that the safety of their neighborhoods is only assured through the participation of community members in reporting the criminal activity they see, crimes they experience, and those persons who are missing.

The Australian Federal Police has engaged in missing persons awareness campaigns that target specific populations over a period of several years. In 2007, the focus of the public awareness campaign was the link between missing persons and mental illness. The campaign tagline was "How do you find someone, when they struggle to find themselves." Other campaign components included television spots, posters, postcards, and outdoor advertisement.

Austin, Texas created a powerful public service video to encourage reporting of sex crimes to police. The video includes victims talking about their attack and not knowing who to tell. The message is for victims to call 911 and the final image is police officers standing beside the victims of sex crimes. This was distributed via the internet and cable television. A similar campaign, augmented by billboards and other media, could increase public confidence and the reporting of sex crimes in Cleveland.

A public service campaign could be either a broad message that the CPD will support citizens who report crimes, or a message specific to missing persons and sexual assault. The Commission believes that a significant effort must be made to reach out to the community and begin to build bridges between police and the public. The Commission recommends that this public awareness campaign be facilitated by the City's Community Relations Board.

In addition, the Commission recommends the CPD better publicize and utilize the community meetings and safety fairs currently being held in the districts. The Commission also recommends that the CPD partner more closely with neighborhood Community Development Corporations ("CDCs") as these organizations often focus on crime and safety issues and can be a conduit to reaching neighborhood residents. Comments made by citizens attending the community forums made it clear to the Commission that many in the community are not aware of opportunities to engage with their law enforcement representatives. These meetings are opportunities to engage citizens and can be used strategically to begin to shift public perception.

The Commission also recommends that the City take advantage of the willingness expressed by Congresswoman Marcia Fudge, representing the 11th District of Ohio, which includes part of the City, to hold a Safety Summit. This Safety Summit should occur within six to twelve months after the date of this Report, and should be the kick-off event for the public awareness, relations, and awareness campaign. The purpose of this Safety Summit would be to increase the connection felt by citizens with law enforcement and provide education on creating community safety. The CPD must be involved in this Safety Summit.

24. Partner with grassroots organizations to communicate with and educate the community.

Grassroots organizations in the community have expressed interest in receiving training so they can assist the CPD in searches for missing persons. Grassroots organizations have the ability to mobilize volunteers that have a pulse on the community to assist in searches for missing persons. It would be especially beneficial to involve youth in this process of searching for missing persons, as they may have a better understanding of and access to technology that would help in the search. There are multiple other ways CPD can take advantage of grassroots and community groups in both missing persons and sex crimes investigations.

Recommendation

The Commission recommends that the CPD actively seek the involvement of volunteer grassroots organizations in the police community relations monthly district meetings and other community events. The involvement of grassroots organizations in these meetings will improve the relationship between the CPD and the community and may facilitate strategic engagement of those grassroots organizations in investigations. The CPD should seek input from the grassroots organizations as to the subject matter of community events and request that grassroots organizations present on topics of interest to the community. The CPD's effort to engage grassroots organizations will be evaluated as part of the survey of community perception of the CPD recommended in recommendation 19.

The City's Community Relations Board should identify grassroots organizations in each district and expressly reach out to these grassroots organizations. CPD can also partner with CDCs as stated above on community relations and specific initiatives, and can work with organizations such as the Cleveland Rape Crisis Center and the Cuyahoga County Witness/Victim Service Center to communicate important information and messaging to survivors of sexual assault and the community.

As a part of this relationship, the Commission also recommends that a formal process for involving grassroots organizations in the search for missing persons be written into the CPD Missing Persons GPO. These groups would need to participate in a formal selection and training process and would be chosen by the Chief of Police to work in coordination with the newly created Missing Persons Unit. The aforementioned CERT would also be utilized in the search for missing persons.

25. Improve partnerships with the media to enlist their assistance in missing persons and sex crimes cases.

The Commission acknowledges that law enforcement does not have the power to control what the media decides to report or not report. However, the Commission believes that an improved partnership between the media and the CPD will result in information about missing persons being published more frequently and information about sex crimes being reported with more sensitivity and accuracy. Close partnership between the media and the CPD could also lead to more positive reporting on issues involving the CPD.

Recommendation

The Commission recommends that the CPD build and improve partnerships with local media. A recommended first step is to invite media representatives to provide input about how they believe CPD and they can better work together. An open and honest dialogue should occur so there is an understanding of what the media can and will do to work with CPD and vice versa.

The Commission further recommends that CPD send the list of missing persons it publishes weekly to local media outlets, and that local media publish the list on their website and in print publications, as space is available.

26. Implement recommendations from the study of the Sowell case conducted by the Federal Bureau of Investigation's Behavior Task Unit.

It is the Commission's understanding that the Federal Bureau of Investigation's Behavior Task Unit is in the process of completing a study of the circumstances surrounding the Sowell case.

Recommendation

The Commission recommends that the CPD implement the Federal Bureau of Investigation's Behavior Task Unit's recommendations that result from this study.

VIII. Recommendations: External Agencies

The Commission's primary focus is on the policies and practices of the CPD. However, in gathering information for this Report, the Commission realizes that many external and partner systems connect and interface with the CPD with respect to the investigation of missing persons and sex crimes. Based on its research of local practices and the Comparison Police Departments, the Commission has developed the following recommendations for external and partner systems that connect and interface with the CPD.

Ohio Attorney General's Office

The Commission has observed the positive and significant influence that the OAG Missing Persons Best Practices Protocol has had on the quality of the Ohio Comparison Police Departments' written policies related to the investigation of missing persons cases. As a result, the Commission recognizes the Ohio Attorney General's opportunity to improve the quality of

missing persons investigations statewide by revising and updating its OAG Missing Persons Best Practices Protocol. Additionally, the Commission recognizes the Ohio Attorney General's opportunity to significantly increase the existence of written policies related to the investigation of sex crimes cases, and ensure the high quality of those written policies, by developing a best practices protocol on the investigation of sex crimes. There is currently no set of best practices for investigating sex crimes in the state of Ohio.

In developing and revising these best practices protocols, the Ohio Attorney General should utilize the Commission's recommendations to the CPD, which incorporate the best practices from around the country. The Ohio Attorney General should also consider other resources, such as the IACP model policies.

The Ohio Attorney General's Office also has the opportunity to have a significant, positive influence on the quality of missing persons and sex crimes investigations statewide through the Ohio Peace Officer Training Academy that it runs. The Ohio Attorney General's Office should mandate and fund additional hours training related to missing persons and sex crimes for law enforcement during the Ohio Peace Officer Training Academy. The trainings should focus on the patrol officer's initial response to reports of missing persons and sex crimes and follow-up investigation techniques. This training should be mandated by and funded through the Ohio Attorney General's Office, possibly with funds received through the casino initiative.

The Ohio Attorney General's Office is also responsible for the State Bureau of Criminal Identification and Investigation ("BCII"). It is the Commission's understanding that the CPD sends most of its forensic evidence to the State Bureau of Criminal Identification and Investigation for processing and that significant time is required to process forensic evidence because of the volume of forensic evidence submitted to BCII. The Ohio Attorney General should allocate sufficient resources, including staff, funding, and equipment, to BCII so that forensic evidence kits related to sex crimes investigations can be processed in a timely manner.

Cuyahoga County Sheriff's Department

The Commission had the opportunity to interact with the Cuyahoga County Sheriff's Department during its information gathering process, and discovered that the Cuyahoga County Sheriff's Department has significant knowledge about, and resources devoted to, sex crimes investigation.

Based on this significant knowledge, the Commission recommends that the Cuyahoga County Sheriff's Department take a greater role in educating the community about sex offenders, including the fact that many sex offenders remain at large because of low reporting rates of sex crimes. In order to fund these sexual assault prevention and education efforts, the Cuyahoga County Sheriff's Department should evaluate the practice of charging sex offenders a fee for registration.

The Cuyahoga County Sheriff's Department is currently responsible for sex offender management, including the registration of sex offenders. Additionally, the Cuyahoga County Sheriff's Department should determine a method of interfacing more closely with the CPD in

order to ensure that the CPD and the Cuyahoga County Sheriff's Department each have the most up-to-date information regarding sex offenders.

The Cuyahoga County Sheriff's Department is currently responsible for providing notification to community members that a sex offender lives within 1,000 feet of their residence. The Commission suggests that the Cuyahoga County Sheriff's Department provide notice to all residents within a one mile radius of the sex offender's residence (which is an increase from the 1,000 feet radius notification range that is currently in place).

The Commission also notes that the Cuyahoga County Sheriff's Department and Kent State University are currently involved in a study on record management systems in the County. The Commission acknowledges the significant efforts that the Cuyahoga County Sheriff's Department is making to improve information-sharing in the County and encourages the Cuyahoga County Sheriff's Department to consider implementation of the recommendations that result from this study.

Cuyahoga County

Currently, forensic evidence processing can take significant time because of the amount of evidence submitted to the State Bureau of Criminal Identification and Investigation. The Commission recommends the following interim and permanent steps be taken by various County entities in order to alleviate this delay and improve the investigation of crimes involving forensic evidence.

First, the Cuyahoga County Coroner's Office should expand its existing Forensic DNA Department in order to increase the County's ability to expediently process forensic evidence related to missing persons and sex crimes investigations. At the same time, the County should create a stand-alone, permanent County crime lab to process all forensic evidence needed by law enforcement in the County. After the County crime lab is fully operational, the resources utilized by the Forensic DNA Department should be directed to the County crime lab, and the Forensic DNA Department should be eliminated, or its functions significantly reduced.

Additionally, the County should establish a 24/7 Sexual Assault Nurse Examiner ("SANE") unit at MetroHealth Medical Center, Cleveland's only publicly funded hospital system. Many individuals who experience a sex crime go to MetroHealth Medical Center for care because of its location in the urban center of Cleveland.

Finally, the Cuyahoga County Chiefs of Police Association should review and consider implementing the Commission's recommendations within each member's jurisdiction. This will streamline the process for investigating missing persons and sex crimes cases throughout the County.

IX. Implementation

There are substantial and significant recommendations that have been presented by the Commission to the Mayor and the community. It is essential that as the recommendations are implemented, the City continue to increase public confidence, awareness and transparency through a body similar to the Commission.

The Commission recommends that an Oversight Committee of volunteers be appointed by Mayor Jackson to monitor the CPD's implementation of the Commission's recommendations. The Oversight Committee would be required to report to the Mayor and the community on a quarterly basis on the progress of implementation of the Commission's recommendations. The Oversight Committee should include the following areas of expertise: (i) an advocate with special training, education and experience with victims of sex crimes or missing persons; (ii) technology and system integration; (iii) law enforcement; and (iv) community relations.

The Oversight Committee should also work with the external agencies to facilitate implementation of the Commission's recommendations.

APPENDICES

- A. Commission Members' Biographies
 - 1. Teresa Metcalf Beasley, Attorney, Vorys, Sater, Seymour and Pease LLP ("Vorys")
 - 2. Mary Bounds, Assistant Director, City of Cleveland Department of Public Safety ("Department of Public Safety")
 - 3. Megan O'Bryan, President/CEO, Cleveland Rape Crisis Center ("CRCC")
- B. Commission Team Biographies
 - 1. Katherine A. Albrecht (Vorys)
 - 2. Jennie L. Church (Vorys)
 - 3. Dan Clark (CRCC)
 - 4. Shantae Clayborn (Vorys)
 - 5. Liana R. Hollingsworth (Vorys)
 - 6. Daniel S. Jones (Vorys)
 - 7. Anthony Jordan, Esq.
 - 8. Ellenia Matthews (Department of Public Safety)
 - 9. Mark Milam (Department of Public Safety)
 - 10. Kara Porter (CRCC)
 - 11. Mitchell A. Tobias (Vorys)
 - 12. Musette Therese Vincent, Esq.
 - 13. Christopher C. Wager (Vorys)
- C. Information on Organizations that Assisted with Preparation of this Report
 - 1. City of Cleveland Department of Public Safety
 - 2. Cleveland Rape Crisis Center
 - 3. Vorys, Sater, Seymour and Pease LLP
- D. Community Forum Information
 - 1. Community Forum Questions
 - 2. Community Forum Flyer
- E. Focus Group Information
 - 1. Focus Group Questions
 - 2. Entities Represented
- F. Interviews Information
 - 1. Sample of Questions for Interviews
 - 2. Interviewee List
- G. Cleveland Division of Police: Analysis of Missing Persons Policies and Procedures
 - 1. Missing Persons GPO
 - 2. Executive Summary of Missing Persons GPO
 - 3. Detailed Memorandum of Missing Persons GPO

- H. Cleveland Division of Police: Analysis of Sex Crimes Policies and Procedures
 - 1. Sex Crimes GPO
 - 2. Executive Summary of Sex Crimes GPO
 - 3. Detailed Memorandum of Sex Crimes GPO
- I. Missing Persons: Analysis of Comparison Police Department Internal Policies
 - 1. Atlanta Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 2. Austin Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 3. Baltimore Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 4. Burlington Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 5. Charlotte-Mecklenburg Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 6. City of Bedford Heights Division of Police
 - a. Executive Summary
 - b. Detailed Memorandum
 - 7. Chicago Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 8. Cincinnati Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 9. Columbus Division of Police
 - a. Executive Summary
 - b. Detailed Memorandum
 - 10. Kansas City Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 11. City of Parma Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 12. Philadelphia Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 13. Pittsburgh Bureau of Police
 - a. Executive Summary
 - b. Detailed Memorandum
 - 14. Toledo Police Department
 - a. Executive Summary

- b. Detailed Memorandum
- 15. Virginia Beach Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
- 16. Warrensville Heights Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
- J. Sex Crimes: Analysis of Comparison Police Department Internal Policies
 - 1. Atlanta Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 2. Austin Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 3. Baltimore Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 4. Burlington Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 5. Charlotte-Mecklenburg Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 6. Chicago Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 7. Cincinnati Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 8. Columbus Division of Police
 - a. Executive Summary
 - b. Detailed Memorandum
 - 9. Kansas City Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 10. City of Parma Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 11. Philadelphia Police Department
 - a. Executive Summary
 - b. Detailed Memorandum
 - 12. Pittsburgh Bureau of Police
 - a. Executive Summary
 - b. Detailed Memorandum
 - 13. Virginia Beach Police Department
 - a. Executive Summary

- b. Detailed Memorandum
 - K. The International Association of Chiefs of Police Model Policies
 - 1. Missing Persons
 - 2. Sex Crimes
 - L. Missing Persons: Ohio Attorney General Best Practices Protocol for Law Enforcement in Missing Persons Cases
 - M. Comparison Charts
 - 1. Missing Persons
 - 2. Sex Crimes
 - 3. Police Department Structure
 - N. Cleveland Rape Crisis Center's Position Paper on Community Management of Sex Offenders
 - O. Resources Related to Missing Persons
 - P. Resources Related to Sex Crimes
 - Q. Description of SANE Unit

Special Commission on
Missing Persons and
Sex Crime Investigations

Appendix A-H



VORYS

March 30, 2010



Teresa Metcalf Beasley

Of Counsel | Cleveland Office

Cleveland 216.479.6160 | **Fax** 216.937.3740

Email tmbeasley@vorys.com

Ms. Beasley is of counsel in the Vorys Cleveland office where she is a member of the commercial and real estate group. Her practice focuses on real estate, government relations, economic development incentives, and general business law. She also deals with public sector law and residential and commercial real estate transactions, including project financing and development.

In addition to Ms. Beasley's public sector experience, she counsels clients on registration, licensing, naming rights, confidentiality and "hidden" intellectual property issues that arise in modern business scenarios. Ms. Beasley's practice also includes counseling clients on employment issues that may involve collective bargaining agreements.

Career highlights include:

- Serving as Law Director for the City of Cleveland, managing a legal team of 83 assistant directors of law, and providing legal counsel to the Mayor, City Council, and all other City officials, committees, and boards

Ms. Beasley is a member of the Cleveland Metropolitan Bar Association.

Ms. Beasley has participated in presentations regarding commercial real estate purchase agreements, tax increment financing and the fundamentals of estate planning. She has also served as a presenter at the North Central District Women's Entrepreneur Forum for the National Association of Negro Business and Professional Women's Clubs.

Ms. Beasley received her J.D. from the Cleveland State University, Cleveland-Marshall College of Law, and her B.A. from the University of Alabama.

Before joining Vorys, Ms. Beasley was the Law Director for the City of Cleveland. In that position, she was contributing editor for the *Cleveland Bar Journal*.

Practice Areas

Commercial, Finance, and Real Estate

Corporate and Business Organizations

Environmental

Government Relations

Intellectual Property, Entertainment, and Technology Protection

Litigation

Taxation

Industries

Building, Construction, and Design Services

Commercial and Residential Real Estate

Governments

Education

Cleveland State University, Cleveland-Marshall College of Law, Cleveland, Ohio, J.D., 1992
University of Alabama, B.A., Communications, 1987

Teresa Metcalf Beasley

(Continued)

Publications

"Cost Segregation: A Little Known But Valuable Tool for Commercial Real Estate Clients," co-author, *Bar Journal of the Cleveland Metropolitan Bar Association*, December 2008

"Door Soon Closes on Ability to File Review of Real Estate Taxes"

Client Alert: Ohio New Markets Tax Credit Program Now Available

"Cost Segregation: A Little Known But Valuable Tool for Commercial Real Estate Clients"

"Top Misconceptions about Tax Increment Financing"

Professional and Community Activities

Special Commission on Missing Persons and Sex Crime Investigations, Member, 2009-present

Laurel School for Girls, Board of Trustees, 2009-present

Cleveland Botanical Garden, Board, 2007-present

Village Capital Corporation, Board, 2007-present

Black Professionals Association Charitable Foundation, Board, 2007-present

Cleveland Metropolitan Bar Association, Board of Trustees, 2008-2009

Cleveland Bar Association, Board of Trustees, 2006-2008

Cleveland State University, Cleveland-Marshall College of Law, Visiting Committee, 2005-present

Commercial Real Estate Women (CREW), President, 2006

Cleveland Foundation's African American Outreach Advisory Committee, Co-Chair, 2005-present

Cleveland Business Connects, Editorial Advisory Board, 2008-present

Honors and Awards

CREW Cleveland 2007 Deborah R. Klausner Leadership Award, 2008

Leadership Cleveland, Class of 2007

Northeast Ohio's Most Influential, *Call & Post Newspaper*, 2007

Teresa Metcalf Beasley

(Continued)

CBC (Cleveland Business Connects) Magazine, Cover's Feature Article,
October, 2007

Who's Who in Black Cleveland, 2005-2008

Women's Leadership Boot Camp, Class of 2006

Kaleidoscope Magazine's 40-40 Club, Class of 2006

Cleveland Bridge Builders, Class of 2004

Events

Commercial Real Estate Law Seminar

Bar and Court Admissions

Ohio

U.S. District Court for the Northern District of Ohio

Mary G. Bounds

Assistant Safety Director

City of Cleveland, Department of Public Safety

Mary Bounds is currently the Assistant Safety Director of the City of Cleveland Department of Public Safety. Previously Assistant Director Bounds held the position of Chief of Police, becoming the first female chief in the City of Cleveland. Assistant Director Bounds also held the positions of Patrol Officer, Sergeant, Lieutenant, District Commander and Deputy Chief of Police.

Assistant Director Bounds was appointed to the Cleveland Division of Police in 1980. Upon graduation from the Cleveland Police Academy, she was assigned to Second District, Basic Patrol Division. During her twenty-five (25) years of service with law enforcement, Assistant Director Bounds she also served in the Office of Professional Standards, Police Training Academy, Bureau of Community Policing, Executive Assistant to the Chief of Police, District Commander, Commander of Human Resources and Deputy Chief of Administrative Operations.

Assistant Director Bounds is a graduate of Baldwin-Wallace College with a Masters of Business Administration degree. She also has achieved a Bachelor of Arts degree from Notre Dame College and an Associate of Applied Science degree from Cuyahoga Community College. She is a graduate of the F.B.I. National Academy, the Police Executive Leadership College and is a certified instructor for the Ohio Peace Officer Training Commission. Assistant Director Bounds has attended numerous seminars and courses dealing with Human Diversity, Management Skills, Domestic Violence and has lectured and taught at a number of local colleges in Northeastern Ohio. She has been affiliated with the following organizations: National Women of Policing, Black Professional Association, the Internal Association of Chiefs of Police, National Association of Business Women, and the Tau Gamma Delta Sorority.

Her honors include acknowledgement as the 1999 Black Professional Woman of the Year, the 1999 Humanitarian Award from the Center of Prevention of Domestic Violence, the YMCA Greater Women Achievement Award and the 2001 Business and Professional Women Achievement Award. The 2002 National Women & Policing Lifetime Achievement Award and the 2003 National Council of Negro Women.

On March 10, 2010, she was featured in an Erie Life Magazine article entitled "Women History Makers". Her greatest accomplishment has been her children: Zina, the oldest child, graduated from Central State University with a degree in Social Work. Paul completed his undergraduate degree at Cleveland State University. The youngest Twan, graduated from Loyola University Law School.



MEGAN O'BRYAN
President/Chief Executive Officer
Cleveland Rape Crisis Center
526 Superior Avenue #1400
216-619-6194 ext. 108
megano@clevelandrcc.org
www.clevelandrapecrisis.org

Megan O'Bryan is President/CEO of Cleveland Rape Crisis Center (CRCC). The 24-hour Center has a \$1.6 m operating budget and provides comprehensive, free crisis intervention and prevention services to 15,000 women, children and men each year. O'Bryan holds a master's degree in nonprofit management from the Mandel Center for Nonprofit Organizations at Case Western Reserve University, and a bachelor's degree in English Literature from Catholic University of America, Washington D.C. O'Bryan joined CRCC in 2001. Prior to serving as CEO, O'Bryan was the agency's director of resource development (2001-2004), and a volunteer crisis hotline advocate (1996 to present).

O'Bryan was recognized by the Athena Foundation International and *Cleveland Inside Business* Magazine as a finalist for the 2007 *Athena Awards*. The Awards "honor those who have helped women reach full leadership potential; demonstrate creativity and initiative in their professions; and improve the quality of life for others in the community." She is a member of the Leadership Cleveland Class of 2010; was recognized as by *Crain's Cleveland Business* "40 Under 40" Awards in 2009; and was a 2010 *Woman of Excellence* panelist for the Corporate Club of Landerhaven.

During her tenure at CRCC, O'Bryan has advocated for victims of sexual violence and helped to:

- advocate on the city, county, state and federal levels for systemic and policy change to support survivors of sexual assault
- incubate and launch a statewide anti-sexual assault advocacy organization
- double the operating budget to grow staff and programs
- create the first endowment fund
- shift the agency culture and build community image
- grow and evolve Board of Directors
- develop and enhance programs to strategically meet the needs of victims and the community, growing the number of people reached by 50% since 2001

Under O'Bryan's leadership, CRCC received grant awards of \$700,000 from the 2009 American Reinvestment and Recovery Act (ARRA), bringing staffing to 26 members for 2010. ARRA staff members respond to the huge demand for counseling and advocacy services and help reach underserved populations.

As a staff member, consultant and volunteer, O'Bryan has worked for nonprofits since 1992; helping raise over \$17 million for organizations including Cleveland Public Radio, Family Planning Association of Northeast Ohio, Providence House and Young Audiences of Greater Cleveland. O'Bryan is the founder of an Ohio City block club, served on the Board of Directors for Cleveland Public Theatre, and has been active in the Mandel Center for Nonprofit Organizations Alumni Association. In 2010, O'Bryan was appointed to the Visiting Committee of the Mandel School of Applied Social Sciences.

O'Bryan and her family are residents of the City of Cleveland's Edgewater-Cudell neighborhood.



Katherine A. Albrecht

Associate | Akron Office

Akron 330.208.1157 | **Fax** 330.208.1054

Email kaalbrecht@vorys.com

Ms. Albrecht is an associate in the Vorys Akron office and a member of the commercial and real estate practice group.

Ms. Albrecht is a member of the Akron and Ohio State Bar Associations. She served as Student Bar Association Class President throughout law school.

Ms. Albrecht received her J.D. *summa cum laude* from The University of Akron School of Law, where she was Editor in Chief of the *Akron Law Review* and the *Akron Tax Journal*. She received her B.A. *cum laude* from the University of Richmond.

Education

University of Akron School of Law, J.D., 2008, *summa cum laude*

University of Akron Law Review,
Editor in Chief

University of Richmond, B.A.,
2003, *cum laude*

Bar and Court Admissions

Ohio



Jennie L. Church

Associate | Cleveland Office

Cleveland 216.479.6129 | **Fax** 216.937.3412

Email jlchurch@vorys.com

Ms. Church is an associate in the Vorys Cleveland office where she practices in the areas of commercial, real estate and economic development issues.

Ms. Church is a member of the Cleveland Bar Association.

Ms. Church received her J.D. with honors from Cornell University Law School and her B.A. with Highest Distinction from the University of Michigan.

Practice Areas

Commercial, Finance, and Real Estate

Taxation

Education

Cornell University Law School,
J.D., 2006, with Honors

University of Michigan, B.A.,
2003, with Highest Distinction

Publications

"Cost Segregation: A Little Known But Valuable Tool for Commercial Real Estate Clients," co-author, *Bar Journal of the Cleveland Metropolitan Bar Association*, December 2008

"Cost Segregation: A Little Known But Valuable Tool for Commercial Real Estate Clients"

On the Horizon in Health Law

On The Horizon in Health Law

Bar and Court Admissions

Ohio

Dan Clark
Director of Professional Training & Outreach,
Cleveland Rape Crisis Center

In addition to his current position with the Cleveland Rape Crisis Center (CRCC), Mr. Clark is the Coordinator of the Cuyahoga County Sexual Assault Response Team. Prior to joining the CRCC, he was the Chief of Police at John Carroll University in Cleveland, Ohio from 2002-2006, after retiring as the Chief of Police in Lakewood, Ohio where he served for 27 years. He holds a Master of Science degree in Justice Administration from the University of Louisville and a Bachelor of Arts degree in Criminal Justice from Baldwin-Wallace College. Most recently, Mr. Clark has become a faculty member with IACP's National Law Enforcement Leadership Institute on Violence against Women.



Shantae D. Clayborn

Associate | Columbus Office

Columbus 614.464.6215 | **Fax** 614.719.4791

Email sdclayborn@vorys.com

Ms. Clayborn is an associate in the Vorys Columbus office and a member of the litigation group.

Ms. Clayborn received her J.D. from Capital University Law School where she was a member of the Order of the Curia. She received her B.A. from The Ohio State University.

Professional and Community Activities

Phi Alpha Delta Law Fraternity, International, 2007-2009; Justice, 2007-2008

Bar and Court Admissions

Ohio

Practice Areas

Litigation

Education

Capital University Law School,
J.D., 2009, Order of the Curia
The Ohio State University, B.A.,
2004



Liana R. Hollingsworth

Associate | Cleveland Office

Cleveland (216) 479-6152 | **Fax** (216) 937-3406

Email lrhollingsworth@vorys.com

Ms. Hollingsworth is an associate in the Vorys Cleveland office and a member of the labor and employment group.

Ms. Hollingsworth is a member of the American Bar Association and the Ohio State Bar Association.

Ms. Hollingsworth received her *J.D. cum laude* from Case Western Reserve University School of Law. She received her *B.A. with honors* from The University of Chicago.

Practice Areas

Labor and Employment

Education

Case Western Reserve University
School of Law, J.D., *cum laude*,
2009

The University of Chicago, B.A.
with honors, 2006

Bar and Court Admissions

Ohio



Daniel S. Jones

Associate | Columbus Office

Columbus 614.464.5649 | **Fax** 614.719.4678

Email dsjones@vorys.com

Mr. Jones is an associate in the Vorys Columbus office and a member of the litigation group.

Mr. Jones received his J.D. from the University of Michigan Law School where he was the Managing Editor of the *Michigan Journal of Race & Law*. He received his B.A. *magna cum laude, with honors*, from The Ohio State University.

Mr. Jones served as a judicial extern to the Honorable Solomon Oliver, Northern District of Ohio.

Practice Areas Litigation

Education

The University of Michigan Law School, J.D., 2009

Michigan Journal of Race & Law, Managing Editor, 2008-2009

The Ohio State University, B.A., 2005, *magna cum laude, with honors*, Phi Beta Kappa

Bar and Court Admissions Ohio

Attorney Anthony D. Jordan

Anthony D. Jordan is a practicing in Cleveland who focuses in areas of criminal law and personal injury and has handled several high profile cases. Attorney Jordan's career has included long stints on of public service including being appointed to Mayor Jane Campbell's cabinet as the City of Cleveland's Chief Prosecutor in February, 2004. Before that attorney Jordan was the Chief of Tort Litigation section for the City of Cleveland Department of Law for four years. As the Chief City Prosecutor he was responsible of managing an office of 35 employees including 20 prosecutors, several investigators and support staff. Prior to his employment with the City in 1998 as an assistant city prosecutor, Jordan was in private practice with the law offices of Hardiman, Buchanan, Howland & Trivers.

Jordan was born in Cleveland and still resides here. He is a 1983 graduate of Cleveland Heights High School where he was inducted into the Hall of Fame in 2003 for his accomplishments in his profession as well as his continued commitment to youth. Jordan is a graduate of Morehouse College in Atlanta and Howard University School of Law in Washington DC. He was the President of the Norman S. Minor Bar Association the largest organization of African American attorneys in the state of Ohio.

Jordan attributes his professional success to his parents William and Jewell Jordan, Jr. and to his education. He is the adoring father of his, William A. Jordan. When asked about his aspirations for the future, he replies "Right now I am just committed to assisting in breaking apart some of the lingering old ways that continue pulling against progress and keeping this community from realizing its incredible potential."

Ellenia L. Matthews

City of Cleveland Division of Correction
4041 Northfield Rd.
Highland Hills, Ohio 44122
216-664-2200

Ellenia Matthews is the Sr. Personnel Assistant for the City of Cleveland Division of Correction, and also works part-time as a Paralegal for the law firm of Zipkin Whiting LPA.

Ms. Matthews holds a Master of Business Administration degree and a Bachelor of Science degree in Paralegal Education both from Myers University.

Ellenia is a member of the “Moms Club” at Regina High School, and in her spare time also volunteers at two of the City of Cleveland Recreation Centers.

Ms. Matthews resides on the east side in Cleveland, OH with her three children.

Mark Milam

Department of Public Safety

Mark S. Milam began his career with the city of Cleveland Emergency Medical Service in 1981, and holds the rank of Commander. Milam has served in a number of positions at Cleveland EMS including Shift Commander, Commander of the Communications Center, and Commander of the Office of Professional Standards. Milam holds a Bachelor of Science degree in Management from Indiana Wesleyan University, and is pursuing a graduate degree. He is married and lives in Seven Hills.

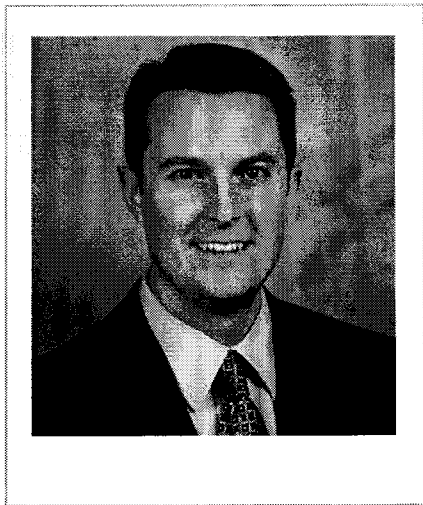
Kara J. Porter, MSSA, LSW
Executive and External Affairs Coordinator
Cleveland Rape Crisis Center
526 Superior Avenue, #1400
Cleveland, OH 44114
216-619-6194, X 106
karap@clevelandrcc.org

Kara Porter is Executive and External Affairs Coordinator for Cleveland Rape Crisis Center

Ms. Porter holds a master's degree in Social Administration from the Mandel School of Applied Social Sciences at Case Western Reserve University, with a concentration in Community and Social Development. She is a licensed social worker for the state of Ohio. She holds a B.A. in sociology from Baldwin-Wallace College.

Ms. Porter was a participant in the Cleveland Foundation Summer Internship Program in 2008. She was a founding member of the Student Advisory Committee for Community and Social Development at the Mandel School of Applied Social Sciences and is on the Steering Committee for the Ohio Alliance to End Sexual Violence. She recently joined Cleveland's City Club as a Young Leader.

Ms. Porter resides in the Brooklyn Center neighborhood in Cleveland, OH with her husband, Paul.



Practice Areas

Litigation

Education

Capital University Law School,
J.D., *summa cum laude*, 2009,
Order of the Curia
University of Rochester, B.S.M.E.,
1998, Phi Beta Kappa

Mitchell A. Tobias

Associate | Columbus Office

Columbus 614.464.6214 | **Fax** 614.719.4627

Email matobias@vorys.com

Mr. Tobias is an associate in the Vorys Columbus office and a member of the litigation group.

Mr. Tobias is a member of the American Bar Association, the Ohio State Bar Association, and the Columbus Bar Association.

Mr. Tobias received his J.D. *summa cum laude* from Capital University Law School, where he was a member of the Order of Barristers and the Order of the Curia. He was also a member of the Capital University National Moot Court Team, competing in the ABA National Appellate Advocacy Competition. He received his B.S.M.E. from the University of Rochester, where he was Phi Beta Kappa and Tau Beta Pi.

Prior to joining Vorys, Mr. Tobias was a practicing mechanical engineer.

Bar and Court Admissions

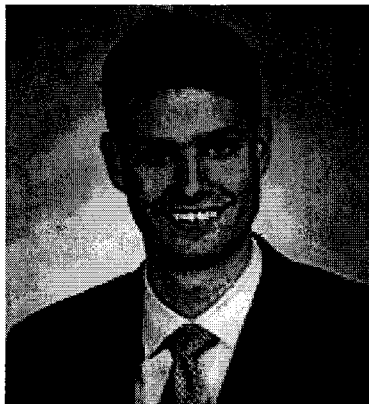
Ohio



Musette Therese Vincent, Esq.

Musette Vincent was most recently Vice President and Senior Attorney with National City Bank, now a part of PNC. Her practice focused on employment law, including employee relations, internal investigations, FMLA, ADA, ADEA, Title VII and wage and hour compliance, reductions in force, and regulatory responses and employee welfare benefits plans. She served as Practice Department Chair and team lead of a group of seven attorneys in five locations counseling clients in 49 states and practiced in both the employment and ERISA welfare benefits areas. In previous roles she practiced in the areas of commercial and consumer lending.

Ms. Vincent is a member of the Ohio State and Cleveland Metropolitan Bar Associations. She received a J.D. from the Case Western Reserve University School of Law and an A.B., in Economics, from Smith College.



Christopher C. Wager

Associate | Columbus Office

Columbus 614.464.6417 | **Fax** 614.719.4838

Email ccwager@vorys.com

Mr. Wager is an associate in the Vorys Columbus office and a member of the litigation practice group.

Mr. Wager received his J.D. from the University of Michigan Law School. He received his B.A. *summa cum laude* and Phi Beta Kappa from Kenyon College.

Bar and Court Admissions

Ohio

Education

University of Michigan Law
School, J.D., 2008

Kenyon College, B.A., 2005,
summa cum laude

Department of Public Safety

The City of Cleveland Department of Public Safety's (the "Department") mission is to oversee all activities of the Department, develop policy, plan, coordinate personnel administration, assure fiscal responsibility and to act as a liaison between the various divisions of Public Safety and City Council.

The Department has 3,520 employees and is comprised of five divisions: Police, Fire, EMS, Correction, and Animal Control Services. In addition to these divisions, the Department is responsible for the management of policy and system development, planning, personnel administration, collection and analysis of data, and acting as a liaison between the various departmental divisions and City Council.

The Department is dedicated to ensuring compliance with divisional rules and regulations and providing transparency of all divisions through effective community and employee relations. The Department is also committed to establishing efficiency through technical support.

The Department has many offices that assist in its efforts. For example, The Office of Professional Standards is responsible for investigating complaints made against members of the Division of Police by citizens and recommend disposition. Additionally, the Police Review Board is responsible for reviewing the completed investigations of each citizen complaint alleging police misconduct, incidents involving the use of deadly force, and situations involving in-custody injury or death. Further, The Information Support Services is responsible for providing access to the Police Record Management System to the Cleveland Division of Police for entry and retrieval of offense incident information and to provide technical and logistical support to Police, Fire, and EMS Computer Aided Dispatch (CAD) activities.

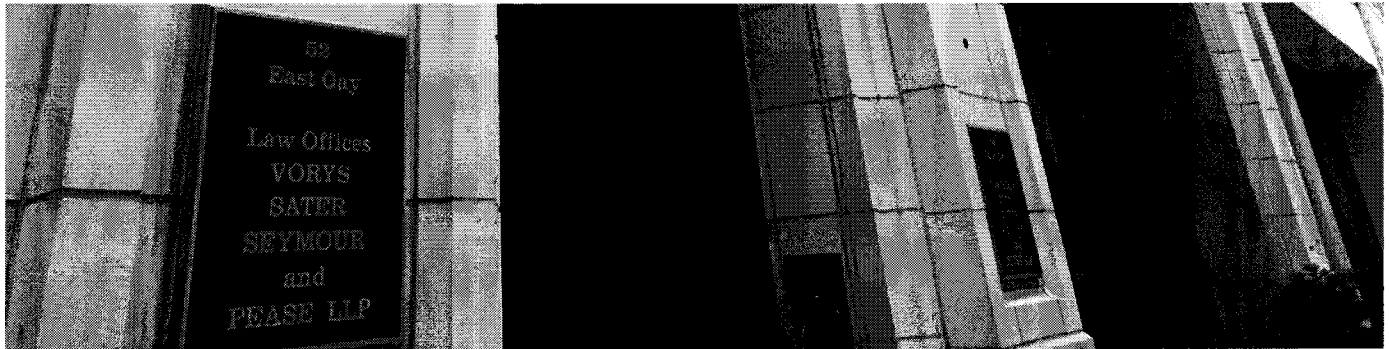
CLEVELAND RAPE CRISIS CENTER

The primary social service and advocacy organization for rape victims in our community is Cleveland Rape Crisis Center ("CRCC"). CRCC is dedicated to serving survivors of sexual violence and those who support them with free, comprehensive healing and advocacy services and to creating social change in the community through education, training and activism. CRCC serves 17,000 people a year through individual and group therapy, support through the criminal justice process, and prevention programs in schools, on campuses and throughout the community.

CRCC can help clients decide if they wish to report a rape to police by providing facts and support so they can make an informed decision. Clients seeking services at CRCC who have reported the crime have had both positive and negative experiences with various interactions with the criminal justice system. Those who choose not to report the crime to police say they do not wish to report primarily due to fear. Fear of not being believed, fear of police and fear of retribution by the perpetrator. When the perpetrator is a family member or trusted friend, the crime is least likely to be reported. Many victims say that reporting is the last thing they want to do right after being attacked and that reporting can seem invasive, time consuming and difficult.

Cleveland Rape Crisis Center has a strong working relationship with the Sex Crimes Unit of the Cleveland Division of Police ("CPD"). CRCC currently employs three Justice System Advocates ("JSAs") on staff who walk clients step-by-step through all proceedings of the criminal justice process from making a police report to trial. JSAs work closely with Sex Crimes Unit detectives to stay informed on their clients' cases and can help detectives successfully connect and work with victims. When JSAs have an issue or concern about a detective's work or response they have an open door to a sergeant or the Lieutenant of the Unit.

About 90% of rape survivors coming to CRCC know their perpetrator in some way. Approximately 70% of CRCC's adult clients come for therapy services for the first time many years after the assault occurred. The need for support and services for rape survivors is vast. While the CRCC's capacity has grown, there are still thousands of victims untouched by services every year. CRCC's 24-hotline number is 216-619-6192 and its website is www.clevelandrapecrisis.org; the organization is located at 526 Superior Avenue, suite 1400, Cleveland, OH 44114.



Our Offices

Columbus

(Main Office)

52 East Gay Street
PO Box 1008

Columbus, Ohio 43216-1008

614.464.6400 tel | 614.464.6350 fax

Washington

1909 K Street NW
Suite 900

Washington, D.C. 20006-1152

202.467.8800 tel | 202.467.8900 fax

Cleveland

1375 East Ninth Street
2100 One Cleveland Center
Cleveland, Ohio 44114-1724

216.479.6100 tel | 216.479.6060 fax

Cincinnati

221 East Fourth Street
Suite 2000, Atrium Two
PO Box 0236

Cincinnati, Ohio 45201-0236

513.723.4000 tel | 513.723.4056 fax

Alexandria

277 South Washington Street
Suite 310

Alexandria, Virginia 22314

703.837.6999 tel | 703.549.4492 fax

Akron

106 South Main Street
Suite 1100

Akron, Ohio 44308-1417

330.208.1000 tel | 330.208.1001 fax

Houston

700 Louisiana Street
Suite 4100

Houston, TX 77002

713.588.7000 tel | 713.588.7050 fax

www.vorys.com

Vorys was established in 1909 and has grown to be one of the largest Ohio-based law firms with approximately 375 attorneys in seven offices in Columbus, Cincinnati, Cleveland and Akron, Ohio; Houston, Texas; Washington DC; and Alexandria, Virginia. Vorys currently ranks as one of the 200 largest law firms in the United States according to *American Lawyer* magazine.

Our business philosophy is compelling in its simplicity and, we believe, inspirational in its common sense. By taking care of our clients first, taking care of each other and taking care of the communities in which we live and work, we believe our success will take care of itself. We are very proud that our growth has primarily been the result of our clients' successes.

Our clients range from some of the world's largest companies to individuals and small businesses. We represent virtually every industry: pharmaceutical, automotive, banking, manufacturing, higher education and many more. These clients include some of the most respected businesses in the nation. In addition, a significant portion of our work is on behalf of federal, state and local governments.

We work with our clients to structure and finance corporate transactions, to negotiate real estate acquisitions and franchising arrangements, to develop and implement labor and employment law policies and practices, to comply with health care regulatory requirements, and to identify and avoid potential environmental problems. Our lawyers focus on recognizing emerging legal issues and developing approaches that allow our clients to conduct their businesses and activities in ways that minimize the risk of future liability.

When our clients become involved in disputes, they turn to our trial lawyers and entrust them with litigation of the most complex and challenging legal issues found in courtrooms today. Our lawyers have tried matters in federal and state courts across the country and have argued cases before the United States Supreme Court. Whether the cases involve toxic tort issues, claims of employment discrimination, allegations of criminal activity, asserted violations of the securities laws, or large-scale computer data breaches, our trial lawyers provide our clients with creative and efficient representation that has achieved superior results.

Community Forums Introduction

Thank you for coming to this Community Forum. We are the members of the Mayor's Special Commission on Missing Persons and Sex Crimes – Mayor Jackson appointed us to look into the issues of how Cleveland law enforcement responds to reports of missing person and sex crimes. *(Each Commission member should introduce herself).*

Today is one of 5 community forums that the Commission is hosting during the month of February. The forums are one of many ways that the Commission is gathering information about how Cleveland law enforcement responds to reports of missing persons and sex crimes.

We may use the information that we learn from you today in a final report that we will present to Mayor Jackson. While we may include the information and ideas that you share with us today, we will not include your name anywhere in the report.

We want to make sure that each of you is heard today, so you are seated at tables in smaller groups. At each table, there is a facilitator who will be asking questions and making sure that everyone gets to speak, and there is a notetaker, who is writing down your ideas and helping us gather information. The Commission members will be moving around the room and may stop in at your table to listen or ask questions.

In a few minutes, the facilitators will take over until 7:15. At 7:15, we will provide everyone with an opportunity to provide written comments – the notetakers and facilitators will be available during that time if you feel you did not get an opportunity to make a comment that you wanted to make.

Thank you again for coming tonight—we look forward to listening to your thoughts on how Cleveland law enforcement responds to reports of missing persons and sex crimes. If you have not already signed in, please make sure that you do so before you leave—again, we will not include your name in any public document.

Community Forum Questions

- Describe your or your clients' experience with Cleveland law enforcement
- What kinds of barriers have you (or your clients) encountered in working with Cleveland law enforcement?
- Could you give me an example of a positive/negative interaction?
- What would a successful police investigation for a missing person look like?
- What would a successful police investigation for a sexual assault look like?
- What resources are you aware of for families of missing persons? *(If the group is not aware of any resources, what would they like to see?)*
- What resources are you aware of for a person who becomes a victim of sexual assault and their families? *(If the group is not aware of any resources, what would they like to see?)*
- What changes would you like to see made in the protocol for Cleveland law enforcement when investigating allegations of sexual assault?
- What changes would you like to see made in the protocol for Cleveland law enforcement when investigating missing person cases?

Thank you for sharing your thoughts, ideas, and insights into the important issues of how Cleveland law enforcement responds to reports of missing persons and sex crimes. Your participation today will help Cleveland law enforcement improve the way that it serves our community.

Community Forums for Missing Persons and Sex Crimes Investigations

The public is invited to offer input, ideas and suggestions for the Special Commission on Missing Persons and Sex Crimes Investigations.

The Commission wants to hear citizens' perceptions of, experiences with, and ideas about how law enforcement responds to sex crimes and missing persons reports in Cleveland. All information will be included in a final report written by the Commission.

Please join us at one of these locations:

Monday, February 1, 2010
Mt. Pleasant Branch Library
14000 Kinsman Rd., Cleveland

Monday, February 8, 2010
West Park Branch Library
3805 West 157th Street, Cleveland

Tuesday, February 2, 2010
Martin L. King Branch Library
1962 Stokes Blvd., Cleveland

Tuesday, February 9, 2010
Collinwood Branch Library
65 East 152nd Street, Cleveland

Thursday, February 4, 2010
Lorain Branch Library
8216 Lorain Avenue, Cleveland

**All forums – 6:00-7:30 p.m. at Cleveland Public Library
branches. No RSVP is needed.**

Focus Group Questions

Good morning/afternoon. Thank you for taking the time to meet with us. We will honor your time by making sure that we wrap up in the next 90 minutes.

The Special Commission has been asked to examine policy and procedure around sex crimes and missing persons investigations in the city of Cleveland. The commission wants to hear about your experiences with law enforcement and ideas that you have. We are excited to receive input from you based on these unique experiences.

The Commission will not identify you in the final report, or include comments from a specific person. We will however take notes on emerging themes which will become public record. We hope this encourages you to speak freely.

Our final report will be given to the mayor in early March. It is our understanding that he intends to share it widely with the community.

Any questions before we start? Please make sure that you sign in.

- Describe your or your clients' experience with Cleveland law enforcement
- What kinds of barriers have you (or your clients) encountered in working with Cleveland law enforcement?
- Could you give me an example of a positive/negative interaction?
- What would a successful police investigation for a missing person look like?
- What would a successful police investigation for a sexual assault look like?
- What resources are you aware of for families of missing persons? *(If the group is not aware of any resources, what would they like to see?)*
- What resources are you aware of for a person who becomes a victim of sexual assault and their families? *(If the group is not aware of any resources, what would they like to see?)*
- What changes would you like to see made in the protocol for Cleveland law enforcement when investigating allegations of sexual assault?
- What changes would you like to see made in the protocol for Cleveland law enforcement when investigating missing person cases?

Focus Groups: Entities Represented 2/5/10

Recovery Resources

www.recrs.org

- Recovery Resources (RR) is a 54-year old nonprofit agency with a mission of helping people triumph over mental illness, alcoholism, drug and other addictions.

St. Vincent (Roseary Hall)

<http://www.svch.net/>

- Faithful to the philosophy and heritage of the Sisters of Charity of St. Augustine, the St. Vincent Charity Medical Center family is committed to the healing mission of Jesus. As Caregivers, we serve with: a deep respect for the dignity and value of all persons; our practice of quality care; our dedication to the poor; and, our commitment to education.

NEON

<http://www.neonhealth.org/>

- NEON providers are committed to a service delivery model that addresses accessible personalized care. Patients have access to a primary care physician, who coordinates all of their health care needs. The provider staff currently includes 35 physicians, 10 dentists and a staff of Certified Nurse-Midwives and other support personnel. In addition to clinical services, patients have access to social work, health education, family planning and nutrition counseling, all of which provide a multi-disciplinary approach to improved health outcomes. Since its inception, NEON has maintained a history of collaboration with its community partners to assure the provision of quality health care services to residents of Northeast Ohio.

Cuyahoga County Board of Developmental Disabilities

<http://www.cuyahogabdd.org/>

- Although the community knows the Board of DD best for early childhood centers, schools, adult activities centers and group homes, we offer a full range of services, everything from in-home early intervention programs for very young children and their families to leisure programs for seniors and specialized therapies (speech-language, occupational and physical), psychological services, support administration, quality assurance, family resources and respite care, supported living, vocational training, community employment, rehabilitation engineering and crisis intervention.

Beechbrook

<http://www.beechbrook.org/>

- Our Mission: To advance the emotional well-being of children, youth and their families by providing effective, innovative behavioral health, permanency and educational services and by serving as a strong voice for children, youth and families.

Mental Health Services - Children Who Witness Violence

<http://www.mhs-inc.org/ChildTraumaServices.asp>

- The mission of MHS is to help people gain control of their lives by forging solutions that resolve mental health crises and end homelessness.

Hitchcock Center for Women

<http://www.hcfw.org/>

- Our mission at Hitchcock is to wholistically empower women to achieve and maintain productive, chemically free lives at home, work, and in the community.

The “W” stands for

- Achieving WELLNESS
- Treating WOMEN
- Making women WHOLE again
- Preparing women for the WORLD
- Helping women become ready to WORK – at home and in our community

Cuyahoga County Sherriff's Department

<http://sheriff.cuyahogacounty.us/>

- Our mission as caretaker of the public's safety is dedicated to maintaining the trust and respect of those we serve by resolutely and aggressively enforcing the law and by committing ourselves to the efficient and effective delivery of safety services. As agents of the community, we strive to provide appropriate custodial care along with programs that support the physical, spiritual and constitutional needs of individuals committed to our custody. Further, every effort will be made to assist the inmates in our custody to understand and take responsibility for their involvement in the justice system.

Subject Matter Expert Interview Questions

Introduction (to be read by interviewer)

This interview is being conducted as part of the work being done by the Special Commission on Missing Persons and Sex Crime Investigations convened by Mayor Frank Jackson. The Commission's purpose is three-fold; to examine the City of Cleveland's policies and practices in handling cases that involve missing person and sex crimes, to research best practices from around the country in these situations, and to recommend changes if warranted.

The information you provide during this interview will only be utilized to assist the Commission in achieving its purpose, all responses will remain confidential and participants will not be identified in the final report.

Before we begin, do you have any questions about the nature of this interview or your participation? Do you mind if I use a tape recorder so I don't miss anything you say?

1. Based on your research and general knowledge regarding law enforcement policies and procedures generally, can you describe some best practices regarding missing persons investigations?
 - Internal policy creation/development
 - Dispatch
 - First responder
 - Follow- up response
 - Investigation
 - Coordination with other agencies/cities/counties/states
 - Reporting procedures
 - Close-out case
2. From what you know and have observed regarding the CPD's policies and procedures related to missing persons, can you describe some strengths? Weaknesses?
3. Based on your research and general knowledge regarding law enforcement policies and procedures generally, can you describe some best practices regarding sex crimes investigations?
 - Internal policy creation/development
 - Dispatch
 - First responder
 - Rape kit/evidence use and transfer to BCI
 - Coordination with hospitals?
 - Investigation
 - Coordination with other agencies/cities/counties/states
 - Reporting procedures
 - Prosecution/relationship with legal community
 - Close-out case

4. From what you know and have observed regarding the CPD's policies and procedures related to sex crimes, can you describe some strengths? Weaknesses?
5. From your experiences and observations as a member of the legal community in Cleveland, do you have any suggestions for improving the reporting, investigation and/or prosecution procedure related to missing persons or sex crimes?
6. Are there any ways that the training for [law students/police officers/lawyers/other] could be improved? Are there strengths related to training?
7. What other thoughts do you have related to the process of reporting, investigating and prosecuting sex crimes and/or missing persons cases?

Special Commission on Sex Crimes and Missing Persons Investigations
Interviewee List

Name	Title	Organization
Adrine, Ronald Honorable	Judge	City of Cleveland Municipal Court
Archambault, Joanne	Training Director	Sexual Assault Training and Investigations
Baumiller, Michael Lieutenant	Lieutenant of Sex Crimes Unit	City of Cleveland Division of Police
Bell, Rick	Supervisor, Major Trial Unit	Cuhayhoga County
Bova, Frank Chief	Chief of Police	City of Warrensville Heights
Chura, James Commander	Commander of Special Investigations Bureau	City of Cleveland Division of Police
Cordray, Richard	Attorney General	Attorney General for Ohio
Cuevas, Hector Deputy Chief	Deputy Chief of Field Operations Bureau	City of Cleveland Division of Police
Cuevas, Hector Deputy Chief	Deputy Chief of Field Operations Bureau	City of Cleveland Division of Police
Eckart, Edward	Commisioner	City of Cleveland Emergency Medical Services
Falk, Patricia	Professor of Law	Cleveland State University
Figliuzzi, Frank	Special Agent in Charge	Federal Bureau of Investigation
Flask, Martin	Director	City of Cleveland Office of Public Safety
Fudge, Marcia Honorable	Representative	U.S. Representative
Gonzalez, Andy Chief	Chief of Police	Cleveland Metropolitan Housing Authority
Griffin, Blaine	Director	City of Cleveland Community Relations Board
Honorable Frank Jackson	Mayor	City of Cleveland
Kolonick, Tim	Special Agent	Federal Bureau of Investigation
Kronenberg, Janet	Manager	Witness/Victim Service Center
Mason, Bill	County Prosecutor	Cuhayhoga County
Matthews, Teresa	Victim Services Liaison, Prosecutor's Office	Cuyahoga County
McGinty, Timothy Honorable	Judge	Cuyahoga County Court of Common Pleas

Special Commission on Sex Crimes and Missing Persons Investigations
Interviewee List

Name	Title	Organization
McGrath, Michael Chief	Chief of Police	City of Cleveland Division of Police
McMahan, Antoinette Sergeant	Sergeant in Sex Crimes Unit	City of Cleveland Division of Police
Mearns, Geoffrey Dean	Dean and Professor of Law	Cleveland State University
Mitchell, John R.	Partner	Thompson Hine LLP
Morales, Angel	Director	Fusion Center
Oleksiak, Tim Chief Deputy	Chief Deputy	Cuyahoga County Sheriff
Perez, Victor	Municipal Prosecutor	City of Cleveland
Rerko, Allison RN	SANE Program Coordinator	Fairview Hospital
Sweeney, Martin Honorable	City Council President	Cleveland City Council
Tomba, Ed Deputy Chief	Deputy Chief of Special Operations Bureau	City of Cleveland Division of Police
Triozi, Robert	Law Director	City of Cleveland
Various Representatives	Council Representatives	City of Cleveland
Zimmerman, David	Assistant County Prosecutor	Cuyahoga County

Group Type	Invitees	Date
Families of Missing Persons		
Mental Health/Social Service Providers		
Grassroots Advocacy	Imperial Women, Sowell Women Task Force, Mt. Pleasant Ministerial Alliance	
Substance Abuse Community	N/A	
Minority Women Leaders	Call & Post Group; Teresa's Contacts	
Reporting Survivors of Sexual Assault		
Non-reporting Survivors of Sexual Assault		
Youth		

Facilitator



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: NOVEMBER 21, 2002	REVISED DATE: August 10, 2009	NO. PAGES: 1 of 11	NUMBER: 6.2.10
SUBJECT: MISSING PERSON INVESTIGATIONS			
ASSOCIATED MANUAL:		RELATED ORDERS: 9.1.07, 9.1.08	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

Revisions in Italics

PURPOSE: To ensure Cleveland Division of Police compliance with Ohio Revised Code sections 2901.30 through 2901.32, reporting and investigating missing persons.

POLICY: The Division shall act promptly to locate persons reported missing, immediately complete Record Management System (RMS) reports, and when mandated, enter them into the NCIC computer *within the allotted time*.

The Division shall make all attempts as appropriate to utilize programs such as *the Ohio Missing Adult Alert*, Amber Alert, Cleveland Missing Child Alert, Police and Community Alert, A Child is Missing, and Truckers Helping to Recover Ohio's Missing Children in the event that a juvenile is reported missing.

The Division shall assign a Missing Person Liaison to the Record File Section. Each District Commander shall ensure that one detective in their Detective Unit is designated as that district's Missing Person Liaison.

PROCEDURES:

- I. When a person is reported missing:
 - A. Report titles shall be appropriately titled, i.e. Missing Person (Endangered), Missing Person (Disability), etc.
 - B. Investigating officers shall have the Communications Control Section (CCS) notify the Coast Guard when a person is last seen aboard a watercraft, swimming or in close proximity to a body of water.

PAGE: 2 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

- C. Officers shall complete the National Crime Investigation Center (NCIC) Form (Attachment A) in duplicate when any of the following categories apply:
1. Disability: A person of any age who is missing and under proven physical/mental disability or senility, who thereby subjects oneself or others to personal and immediate danger. *This definition is applicable to the "Endangered/Elderly Adult" designation.*
 2. Endangered: A person of any age who is missing under circumstances that indicate their physical safety may be in danger.
 3. Involuntary: A person of any age who is missing under circumstances that indicate the disappearance may not have been voluntary.
 4. Juvenile: A missing person under 18 years of age.
 5. Catastrophe: A person of any age who is missing after a catastrophe.
 6. Other: A person over the age of 18 who is missing and does not meet the criteria above but there is reasonable concern for their safety.
- D. *Federal law mandates (Title 42 USC, Chapter 72, Section 5780) that NCIC forms must be completed and entered into LEADS/NCIC within 2 hours of an officer obtaining the minimum mandatory data for LEADS/NCIC entry. Officers shall ensure timely forwarding of the NCIC form to the Report Intake and Review Unit to comply with this mandate.*
- E. *Officers shall have a parent, guardian, or next of kin complete the Release Form (Attachment B) for all missing persons. This multi-purpose form authorizes the release of photographs to the media/public, as well as the release of medical and dental records to the investigating officer.*
1. *The **original** Release Form shall be retained by the district Missing Person Liaison. A copy of the form shall be attached to the RMS report and forwarded to Report Intake and Review Unit.*
 2. *The Missing Person Liaison in the Record File Section shall maintain a file of copies of the Release Forms.*
- F. A supervisor shall respond if the missing person has shown suicidal behavior or if an NCIC Form must be made, unless the only reason for completing the form is that the juvenile is between 13 and 18 years of age. If a child is less

PAGE: 3 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

than 13 years of age or suffers from a physical or mental impairment putting the child's health and welfare at risk, then a supervisor shall ensure that the assignment is coded a Priority One and the supervisor shall respond to the scene. The supervisor shall ensure that the applicable program, as outlined in Section II, is followed. The supervisor shall have CCS include the incident on the Chief's Items of Interest if a missing juvenile incident involves criminality or physical danger to the juvenile.

- G. A supervisor shall assign a car to follow up if a serious medical condition is involved (Alzheimer's, etc.) *or the adult is considered an "Endangered/Elderly Adult". An NCIC Form shall be completed for all missing "Endangered/Elderly Adults".* The reporting officer shall forward the original NCIC form, with photograph if available, to the Record File Section and the duplicate to the District's Missing Person Liaison.
1. *An Ohio Missing Adult Alert shall be issued for missing "Endangered/Elderly Adults".*
 2. *The Ohio Missing Adult Alert is a LEADS based alert system to quickly notify the public and media outlets about endangered missing adults.*
 3. *A Missing Child/Missing Endangered/Elderly Adult Alert Form (Attachment C) shall be completed and faxed to CCS.*
 - a) *CCS shall initiate a broadcast on all channels and shall fax a copy of the form to each district, along with the Missing Endangered Adult Alert if applicable, to be read at subsequent roll calls.*
 - b) *The Commander of the district of occurrence and the Public Information Officer (PIO) will be paged immediately.*
 - c) *The PIO will consult with the Deputy Chief of Field Operations to determine whether or not the media will be asked to air/print the information contained in the alert.*
 4. *Ohio Missing Adult Alert Criteria:*
 - a) *The local law enforcement agency confirms that the individual is missing.*

PAGE: 4 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

- b) *The disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual.*
- c) *There is sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate the activation of the alert will help locate the individual.*

H. The investigating officer shall contact:

- 1. The Warrant Unit to determine if the missing person is in custody or listed as missing. If the officer finds an active Missing Person report, a supplement (returns or locates) shall be made to close the existing report before a new one is made.
- 2. The *Juvenile Detention Center* in the case of a missing juvenile.
- 3. The Report Intake/Review Unit to determine if the person is confined to a hospital.
- 4. The Cuyahoga County Coroner's Office.
- 5. CCS, if a vehicle is involved, to determine if the vehicle was towed.
- 6. The Alzheimer's Association (AA) if the elder is diagnosed with any form of dementia or Alzheimer's disease or enrolled in the Safety Return Program. (Whether or not the individual is diagnosed with Alzheimer's, the AA shall contact surrounding police departments who search for the individual.) *Their 24hour/7day/week-telephone number is 1-800-353-3300, or locally (216) 721-8457 or contact CCS for a more current number.*

I. *The investigating detective assigned as the district missing person liaison shall ensure that the Missing Person RMS report contains contact information for whichever detective is assigned to the missing person case and that all follow-up is entered into the report in a timely manner. After 30 days, the investigating detective shall obtain the dental records of the missing person and forward them to the Missing Person Liaison in the Record File Section.*

PAGE: 5 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

- J. *The Missing Person Liaison assigned to the Record File Section shall ensure that all validation procedures relative to NCIC/LEADS requirements are completed in a timely manner.*

II. Missing Juveniles

- A. Amber Alert - The procedures outlined in GPO 9.1.07 (Northern Ohio Amber Alert) shall be followed if ALL of the following criteria are met:
1. The child must be under 18 years of age.
 2. There must be credible information from a witness suggesting that the child was forcibly or intentionally removed or lured away from their location and remains missing.
 3. It is believed that the child is in danger of bodily harm or death.
 4. There is some descriptive information about the child, although the child's identity is not required for the issuance of an alert.
 5. There is some descriptive information about the alleged abductor(s), and/or the alleged abductor(s) vehicle to believe that an immediate alert will help.
- B. Cleveland Missing Child Alert - The following procedures shall be followed if the child is under 13 years of age or suffers from a physical or mental impairment putting the child's health and welfare at risk and is not immediately located:
1. A *Missing Child/Missing Endangered or Elderly Adult Alert* form (Attachment C) shall be completed and faxed to CCS along with the *Release Form (Attachment B)*.
 2. CCS will ensure that the description of the child is broadcast on all channels and each channel will receive a copy of the *Alert* form.
 3. CCS supervisors will ensure that the description of the child and any other pertinent information is re-broadcast every four hours until the child is located.
 4. A CCS supervisor will fax the *Alert* form to each police district where the information will be read at each roll call until the child is located.

PAGE: 6 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

5. The district supervisor shall ensure that a zone car is assigned to investigate the missing child case until the child is located.
 6. If the child is not located within two hours after arrival on scene, the investigating supervisor shall request that CCS contact the District Commander and Public Information Officer (PIO).
 7. The Commander will determine if the Deputy Chief of Field Operations or their designee will be notified.
 8. If the Deputy Chief of Field Operations or their designee is notified they shall consult with the PIO to determine whether or not the media will be asked to air/print the information contained in the *Alert* form. The Deputy Chief of Field Operations or their designee shall make further notifications up the chain of command as circumstances dictate.
- C. Police and Community Alert - Whenever there is an attempt or actual commission of child abduction or child enticement the following procedures shall be followed:
1. The investigating supervisor shall ensure that a Police and Community Alert form (Attachment D) be completed and faxed to CCS.
 2. CCS shall initiate a broadcast on all channels and shall fax a copy of the form to each district, along with the Missing Child Alert if applicable, to be read at subsequent roll calls.
 3. The Commander of the district of occurrence and the PIO will be contacted immediately.
 4. The PIO will consult with the Deputy Chief of Field Operations to determine whether or not the media will be asked to air/print the information contained in the alert.
- D. A Child is Missing (ACIM) - this program is a free telemarketing service delivering a large volume of customized recorded phone messages to a community during the first few crucial hours a juvenile is missing. This program may be activated through a CCS supervisor using the procedures outlined in GPO 9.1.08 (A Child is Missing Program - ACIM).

PAGE: 7 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

1. A field Supervisor shall obtain the information needed to complete the first two sections of the one-page ACIM form (Attachment 6.2.10e or Attachment 9.1.08a [same form]). This form shall be forwarded to a CCS supervisor.
 2. The CCS Supervisor shall ensure that a District Commander has approved the phone number listed for citizens to call in response to the recorded message. CCS Supervisors shall **not** contact ACIM unless the District Commander or designee approves the designated phone number.
 3. CCS Supervisors shall contact ACIM and provide the requested information over the phone.
- E. Truckers Helping to Recover Ohio's Missing Children developed in conjunction with the Attorney General's Office, The Ohio Trucking Association, and private trucking companies. It is a tool to obtain additional help in locating a missing child. To utilize this program:
1. The following criteria must be met in ALL situations:
 - a) A missing person report has been filed with law enforcement,
 - b) The child has been entered into LEADS/NCIC,
 - c) The child is under 18 years of age,
 2. In addition, the child must fall into one of the following categories:
 - a) Stranger/Non-family Abductions - AMBER alert criteria must be met.
 - b) Family Abductions - one or more of the following conditions must be met.
 - i. Abduction by non-custodial relative (other than non-custodial parent).
 - ii. Abduction by non-custodial parent who has a criminal record or outstanding warrant(s) for their arrest.

PAGE: 8 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

- iii. Abduction by non-custodial parent where there is reason to believe that flight to another city or state is a probability.
 - iv. Abduction by a non-custodial parent where foul play is suspected.
 - v. Abduction by a companion of a custodial or non-custodial parent or relative.
- c) Endangered Runaways - one or more of the following conditions must be met.
 - i. Child is believed to be out of the safety zone appropriate for his or her age and developmental stage.
 - ii. Child is mentally incapacitated.
 - iii. Child is drug dependent, including prescription medicine or illegal substances, and the dependency is potentially life threatening.
 - iv. Child was missing from home for more than 24 hours before being reported to police.
 - v. Child is believed to be in a life-threatening situation.
 - vi. Child is believed to be in the company of adult(s) who could endanger the child's welfare.
 - vii. Child's absence is inconsistent with their established patterns of behavior and cannot be readily explained.
 - viii. Child's absence was prompted by Internet involvement.
 - ix. Other circumstances that would lead to a belief that the child is at risk.
- d) Lost or Endangered Missing Children - any lost or missing child who was reported as being last seen alone and where circumstances are suspicious.

3. Procedures

PAGE: 9 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
------------------	---	-----------------------

- a) A supervisor must determine whether all the criteria for utilization are met.
 - b) The supervisor shall contact the Ohio Missing Children Clearinghouse *via CCS* to request that the call be made and identify for the Clearinghouse the scope of the search (City, County, and Region). The supervisor shall then fax the Call to Truckers Helping to Recover Ohio's Missing Children Report (Attachment F) and a picture of the missing person if available. The telephone number is available from CCS.
 - c) The Clearinghouse or Bureau of Criminal Identification and Investigation (BCI&I) will send the information to participating trucking companies in the designated area where the information will be posted.
 - d) Once a child is located the Clearinghouse (telephone number available from CCS) must be notified so they can contact the applicable trucking companies.
4. At a minimum, one zone car shall be assigned beyond the original reporting shift, and shall create a supplement to the original Missing Person Report with the results of searches and interviews conducted until the missing child is located or as directed by the district commander. *District Detective Unit Missing Person Liaisons shall ensure that all report supplements become part of that missing person's file and that the original supplements are forwarded to the Report Intake and Review Unit.*

III. "Endangered/Elderly Adults":

- A. An "Endangered/Elderly Adult" found wandering, confused and unable to furnish identification shall be taken to the nearest hospital, where hospital records may have information from prior visits for evaluation and treatment.
- B. Officers shall forward information on an "Endangered/Elderly Adult" to the district *Missing Person Liaison* and, *if applicable*, to the Alzheimer's Association. *Their 24hour/7day/week-telephone number is 1-800-353-3300, or locally (216) 721-8457 or contact CCS for a more current number.*
- C. An alert may be placed for a missing "Endangered/Elderly Adult" through the *Ohio Missing Adult Alert using the Law Enforcement Automated Data*

PAGE: 10 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
-------------------	---	-----------------------

System (LEADS) and by completion of Missing Child/Missing Endangered/Elderly Adult Alert Form (Attachment C) and Police [and Community Alert (Attachment D) as necessary].

- D. *At least one zone car shall be assigned beyond the original reporting shift to follow up and provide supplements to the Missing Person Report with the results of searches and interviews conducted until such time that the missing person is located or as directed by the district commander.*

IV. Original RMS reports shall include:

- A. The names, age, address and telephone number of each person interviewed.
- B. The relationship between the reporting person and the missing person.
- C. The name and address of the natural mother and father, and step or foster parents if applicable. For missing "*Endangered/Elderly Adults*", names and addresses of other family members and siblings in the area shall be included as appropriate.
- D. The complete name, date of birth, birthplace, social security number, and school attended, grade, physical and clothing description, including scars, marks, and tattoos of the missing person. *All relevant physical descriptive information must be entered in the appropriate blanks on the RMS report.*
- E. Information on habits, friends and places commonly visited by the missing person.
- F. Frequented places, i.e. church, bank, restaurant, store, park, playground etc.
- G. Medical condition/current medication used by the missing person. The treating physician's name and the hospital the person uses, *as well as the missing person's dentist.*
- H. The year, make, model, color and license plate of the auto used by the missing person. Include the record check results.
- I. A notation if the NCIC Missing Person Form was completed.
- J. A notation if an all channels broadcast was made or requested.

PAGE: 11 of 11	SUBJECT: MISSING PERSON INVESTIGATIONS	GPO NUMBER: 6.2.10
-------------------	---	-----------------------

- K. A notation if any special program is used, such as Amber Alert, *Missing Child/Missing Endangered/Elderly Adult Alert Form*, Police and Community Alert, or A Child is Missing.
- V. Missing persons returned or located.
 - A. Investigating officers shall make every effort to personally identify the individual upon return and promptly complete an RMS supplement report. The report shall state whether the person returned of their own volition or was located in some other manner and, the place where the person was found.
 - B. If the missing person is a juvenile, the investigating officers shall obtain a statement regarding their whereabouts and activities during the absence.
 - C. Officers shall request foreign police departments to visibly verify the missing person's status if the person is located outside of Cleveland's Division borders.
 - D. CCS shall be immediately notified once a missing juvenile or missing "*Endangered/Elderly Adult*" is located. A CCS supervisor shall write "cancelled" on the *Missing Child/Missing Endangered/Elderly Adult Alert Form* or other requisite form(s) and fax them to the PIO and all police districts and ensure that the Items of Interest log is updated.

MM/TAH/JCO/ajg
 Policy & Procedures Unit
 Attachments (A- F)



CLEVELAND DIVISION OF POLICE

NCIC Missing Person Report

District: _____ Zone: _____ RMS# _____ Date: _____

I certify that _____ DOB _____ is:

- ☐ **Disability:** any age and is missing and under proven physical/mental disability or is senile, thereby subjecting oneself or others to personal and immediate danger.
- ☐ **Endangered:** any age and is missing under circumstances indicating that their physical safety may be in danger.
- ☐ **Involuntary:** any age and is missing under circumstances indicating the disappearance may not have been voluntary.
- ☐ **Juvenile:** under age 18 and is missing and does not meet any other criteria.
- ☐ **Catastrophe:** any age and is missing after a catastrophe.
- ☐ **Other:** a person 18 or older and is missing and for whom there is reasonable concern for their safety and does not meet any other criteria.

Signed: _____ Relationship to missing person: _____

☐ Foster care or ward of the State ☐ Photograph attached to NCIC Report

Consent for photograph to be placed on the Internet: ☐ Yes ☐ No

Consent for photograph to be given to the media: ☐ Yes ☐ No

THIS STATEMENT IS REQUIRED FOR ENTRY INTO FEDERAL COMPUTER FILES

Officer(s): _____

Car #: _____
C of C 71-2138 (rev. 2001)



Attachment B (6.2.10b) revised 07-28-09

CLEVELAND DIVISION OF POLICE RELEASE FORM

I am the parent/legal guardian/next of kin of the below-named missing/wanted person and I hereby authorize the release and dissemination of medical records, dental records and photographs to the Cleveland Division of Police to use to locate/identify the named person. Medical and dental records will be kept confidential to the extent of the law. Photographs may be made public and disseminated through the media or through other law enforcement channels.

Missing/Wanted Person

Name: _____ **D.O.B. :** _____

Authorizing Signature: _____

Printed Name of Authorizing person: _____

Address: _____

Phone/Contact: _____

Relationship to Missing Person: _____
(Parent, Legal Guardian, or Next of Kin)

Approximate Date of Photo: _____

Date person last seen: _____

Today's Date: _____

RMS# _____

Assigned Detective (name/badge): _____
(if assigned)

Original: to District Detective Unit Missing Person Liaison

Copy: attached to original RMS report (with any other attachments) and forwarded to the Report Intake & Review Unit

MISSING CHILD/MISSING ENDANGERED or ELDERLY ADULT ALERT

Date:

Supervisor Requesting:

Time:

District:

The Following Juvenile/Adult Has Been Reported Missing:

☐ Fax to CCS at 623-5891

- ☐ Juvenile less than 13 years old
☐ Juvenile 13-17 years old and suffers from a mental or physical disability
☐ Elderly Adult 65 years or older
☐ Endangered Adult under 65 years old

Victim DescriptionPhoto Received/Faxed? Yes ☐ No ☐Dental Records Available? Yes ☐ No ☐

Name: _____ Address: _____

Phone/Contact Number(s): _____ Date of Birth: _____

Race: White ☐ Asian ☐ Sex: Male ☐
 Black ☐ Arab ☐ Female ☐
 Hispanic ☐ Other/Unk ☐

Age: _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Clothing: _____

Other Descriptive: _____

Other Details: _____

Last Seen At: _____

RMS #: _____ Car Assigned: _____

School/Grade: _____

Locations Known to Frequent: _____

Is child/adult a habitual runaway/walkaway? ☐ If so, where previously located: _____

If Suspect or Vehicle Information is Available
 Complete Police and Community Alert (Appendix D) and Fax as page 2 of 2.

☐ All Channel Broadcast Requested☐ Completed

Revised 07/28/09

POLICE AND COMMUNITY ALERT☐ Fax to CCS at 623-5891

Date: _____ **Time:** _____
Requested By: _____ **District:** _____

The Following Vehicle ☐ And/Or Suspect ☐ Is Mentioned In Connection With:

- ☐ An Attempt to Lure or Solicit a Child Under the Age of 14
☐ An Attempt to Abduct a Child Under the Age of 18
☐ A Missing Child (Known to be in company with)
☐ Missing Elderly or Endangered Adult

Location of Offense (or missing from): _____

RMS Number: _____ **Offense (if applicable):** _____

Suspect Description (if applicable)

Name/Partial Name (If known) _____

Race: White ☐ Asian ☐ **Sex:** Male ☐ **Age:** _____
 Black ☐ Arab ☐ Female ☐
 Hispanic ☐ Other/Unk ☐ **Height:** _____
Weight: _____

Clothing: _____

Other Descriptive: _____

Suspect/Missing Person Vehicle

Make: _____ **Model:** _____ **Year:** _____

Color: _____ **Plate or Partial:** _____

Vehicle Owner (if known): _____

Owner Address (if known): _____

☐ All Channel Broadcast Requested ☐ Completed

POLICE AND COMMUNITY ALERT☐ Fax to CCS at 623-5891

Date: _____ **Time:** _____
Requested By: _____ **District:** _____

The Following Vehicle ☐ And/Or Suspect ☐ Is Mentioned In Connection With:

- ☐ An Attempt to Lure or Solicit a Child Under the Age of 14
☐ An Attempt to Abduct a Child Under the Age of 18
☐ A Missing Child (Known to be in company with)
☐ Missing Elderly or Endangered Adult

Location of Offense (or missing from): _____

RMS Number: _____ **Offense (if applicable):** _____

Suspect Description (if applicable)

Name/Partial Name (If known) _____

Race: White ☐ Asian ☐ **Sex:** Male ☐ **Age:** _____
 Black ☐ Arab ☐ Female ☐
 Hispanic ☐ Other/Unk ☐ **Height:** _____

Weight: _____

Clothing: _____

Other Descriptive: _____

Suspect/Missing Person Vehicle

Make: _____ **Model:** _____ **Year:** _____

Color: _____ **Plate or Partial:** _____

Vehicle Owner (if known): _____

Owner Address (if known): _____

☐ All Channel Broadcast Requested

☐ Completed

A Child is Missing (ACIM) Information Form

Supervisor: Complete this form and provide the information when reporting a missing person to "A Child is Missing"

"A Child is Missing" Contact Numbers: (888) 875-2246, (954) 763-1288, or pager: (954) 492-4778

Name of Missing Person: _____ D.O.B. _____ Gender: _____

Nationality: _____ Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Any other characteristics such as glasses, tattoos, piercings, scars? _____

Clothing Description: _____

Location last seen (including zip code) : _____

(for the location, provide accurate spellings and include and provide the nearest major intersection)

Residence *(if difference than "last seen" location)*: _____

Date and Time last seen: _____ Is the person a habitual runaway? _____

Were friends/family notified? _____ Is there water or wooded areas near the last seen location? _____

Did the person leave in a vehicle, bicycle, skateboard etc? _____

If in a vehicle, description, license plate etc? _____

Is foul play suspected ? _____ Any confrontation prior to person's disappearance? _____

Does missing person have a substance abuse problem? _____ Does missing person take any medications? _____

Name of Law Enforcement Agency: **Cleveland Division of Police** State: **Ohio** County: **Cuyahoga**

Incident #: _____ Agency telephone number for public to call with information: **(216) 623-5800**

Name of Officer in Charge of case: _____ Contact Number for OIC: _____

ALERT:
Call to Truckers Helping to Recover
Ohio's Missing Children Report

MISSING CHILD INFORMATION:

Name: _____ Age: _____ DOB: _____ Sex: _____ Ht: _____ Wt: _____

Hair color: _____ Hair Texture (e.g. curly/straight): _____ Hair length: _____

Eye color: _____ Eyeglasses (y/n; description): _____ Facial hair: _____

Scars, tattoos, etc.: _____ Clothing description: _____

Location missing from/last seen: _____

Last seen alone: _____ Last seen with (name if known): _____

ALLEGED ABDUCTOR INFORMATION:

Name: _____ Age: _____ DOB: _____ Sex: _____ Ht: _____ Wt: _____

Hair color: _____ Hair Texture (e.g. curly/straight): _____ Hair length: _____

Eye color: _____ Eyeglasses (y/n; description): _____ Facial hair: _____

Scars, tattoos, etc.: _____ Clothing description: _____

Relationship to child: _____ Possible destination: _____

VEHICLE INFORMATION:

Make: _____ Model: _____ Color: _____

Year: _____ State of license plate: _____ License plate number: _____

Other descriptive information: _____

Last seen at (date/time): _____ In (city/village, street): _____

Direction of travel: _____

ADDITIONAL INFORMATION:

This child is believed to be or have been:

☐ Abducted by a stranger.☐ Abducted by a family member.☐ An endangered runaway.☐ Lost or missing.**REPORTING LAW ENFORCEMENT AGENCY INFORMATION:**Agency name: **Cleveland Division of Police**Agency phone number: **(216) 623-5723**

Contact name: _____

Contact phone number: _____

Law enforcement personnel are to email reports to the Ohio Missing Children Clearinghouse at Ohioch@locaterposters.org or fax to (614) 728-9536. After 4:30 M-F, on weekends or holidays, email reports to the Ohio Bureau of Criminal Identification and Investigation at Ohioch@locaterposters.org, or fax to (740) 845-2021. For questions, contact the Ohio Missing Children Clearinghouse at 1-800-325-5604.

EXECUTIVE SUMMARY

Cleveland, Ohio – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Cleveland Division of Police (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Cleveland Division of Police General Police Order 6.2.10 (the “Department Policy”).

State Law Requirements

Under the Statutory Requirements, the (“CPD”) is required to adopt a written policy establishing reasonable procedures that its officers will follow upon receiving information that a person may be missing. The Ohio Attorney General is required to publish and distribute a best practices protocol for investigating missing persons to all law enforcement agencies in Ohio.

The Statutory Requirements also establish certain reporting requirements that law enforcement agencies must comply with upon receipt of information that a person is missing. The reporting process requires that the law enforcement agency submit certain information through the National Crime Information Center (“NCIC”). The NCIC reporting requirements vary based on (1) the age of the person reported missing and (2) the circumstances under which the person went missing.

If the person reported missing is between the ages of 18 and 21, the law enforcement agency must enter into the NCIC all information contained in the missing person report *immediately* upon receipt of the report and upon receipt of additional information. If the person reported missing is over the age of 21, and no foul play is suspected, the law enforcement agency must enter the information contained in the missing person report into the NCIC within 30 days of receipt of the report. If the person reported missing is over the age of 21, and foul play is suspected, the law enforcement agency must enter the information contained in the missing person report into the NCIC within seven days of receipt of the report. If foul play is not initially suspected, but is discovered within seven days of the initial report, the law enforcement agency must enter the information contained in the missing person report into NCIC within seven days of the initial report. If foul play is not initially suspected, but evidence indicating foul play is discovered eight or more days after receipt of the initial report, the law enforcement agency must enter the information contained in the missing person report within 48 hours of discovering evidence of foul play.

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases). Police training requirements will be fully set forth in a separate memorandum.

The OAG Best Practices Protocol briefly lists a series of questions that an officer taking a missing persons report should attempt to answer, including whether the case is a missing person case or another type of case (depending on the missing person's age, mental and physical well-being, and family and social environment) and whether foul play is suspected. The OAG Best Practices Protocol also suggests the officer consider the steps that can be taken to locate the person, and consider other agencies that may be of assistance. Finally, the OAG Best Practices Protocol lists the NCIC reporting requirements mandated under the Statutory Requirements.

Local Requirements

The CPD's investigation of missing persons is governed by the Department Policy, which complies with the Statutory Requirement that all law enforcement agencies adopt a written policy establishing reasonable procedures that will be followed when a person is reported missing.

The Department Policy requires all missing persons reports to be titled in order to label the category of missing person, and provides the examples of "endangered" and "disability." The Department Policy further provides that the CPD officer must enter information about missing persons categories as disabled, endangered, involuntary, juvenile, missing after a catastrophe, or missing with reasonable concern for safety into the NCIC. The Department Policy requires this information to be entered into NCIC "within the allotted time," but does not further define the allotted time.

If the report must be entered into the NCIC, a supervisor is required to respond to the report, unless the person reported missing is between 13 and 18 years old. Additionally, a supervisor is required to respond if the person reported missing has shown suicidal behavior.

In addition to entering the information into NCIC, the Department Policy requires the officer taking the report to complete an internal CPD report known as a Record Management System ("RMS") report. The RMS report must contain the names of all persons interviewed and their relationship to the missing person, as well as background information on the missing person, and information about any vehicles used by the missing person, and information about whether the report was entered into NCIC and whether the missing person report was broadcast over all police channels.

In addition to the reporting requirements, the Department Policy sets out a list of entities that the investigating officer must contact after receiving a missing person report. The list includes the coroner, a list of people admitted to area hospitals, the warrant unit, and the Communications Control Section of the CPD in order to determine if any vehicles involved were towed.

When a missing person is categorized as "endangered" or "elderly," at least one zone car will be assigned to investigate and supplement the missing person report with the results of searches and interviews. The zone car will remain assigned to the missing person case until the missing person is located or as directed by the district commander. In addition, an Ohio Missing

VORYS

Adult Alert can be issued if there is a credible threat of immediate danger to a person that has been determined to be missing and the CPD has sufficient descriptive information to indicate that that the use of the alert will help locate the individual.

Each missing person report is assigned to a Missing Person Liaison within the CPD that is charged with making sure all records are updated. Thirty days after the missing person report is taken, the investigating officer must obtain the missing person's dental records and forward them to the Missing Person Liaison.

The Department Policy also requires that the investigating officer personally interview an individual upon return and complete an RMS supplement report. If an Ohio Missing Adult Alert was issued, it must be cancelled.

SUMMARY

Cleveland, Ohio – Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the Cleveland Division of Police (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Cleveland Division of Police General Police Order 6.2.10 (the “Department Policy”).

The Statutory Requirements establish the foundation upon which the OAG Best Practices Protocol and the Department Policy are based. The requirements set forth in each of the sources of authority are summarized below.

The Statutory Requirements

The Ohio Revised Code defines a missing person as a person that is 18 years of age or older, AND (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary. The Ohio Revised Code does not further define circumstances that indicate danger or involuntary disappearance.

Under the Statutory Requirements, the Ohio Attorney General is required to publish and distribute a best practices protocol for addressing missing persons to all law enforcement agencies in Ohio. Each law enforcement agency is then required to develop and adopt a written policy establishing reasonable procedures that the law enforcement agency will follow when it receives information that a person that may be missing.

The peace officers employed at a law enforcement agency that has adopted a written policy are statutorily required to make a good faith effort to follow the procedures contained in the policy. However, there is no private cause of action for damages against the state, the law enforcement agency, the political subdivision, the peace officer, or any other person who fails to comply with the Statutory Requirements or the written policy. Therefore, officers employed by the CPD are required to make a good faith effort to comply with the Department Policy, but are not subject to private causes of action if they fail to do so.

The Statutory Requirements establish certain reporting requirements that law enforcement agencies must comply with upon receipt of information that a person is missing. The reporting process requires that the law enforcement agency submit certain information through the National Crime Information Center (“NCIC”), which is a computerized index of criminal justice information (i.e., criminal record history information, fugitives, stolen properties,

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

missing persons) operated by the FBI. The NCIC reporting requirements vary based on (1) the age of the person reported missing and (2) the circumstances under which the person went missing. The following summarizes the NCIC reporting requirements:

- Missing person between the ages of 18 and 21: the law enforcement agency shall enter into the NCIC all information contained in the missing person report *immediately* upon receipt of the report and upon receipt of additional information
- Missing person over the age of 21:
 - *Foul play suspected:* the law enforcement agency shall enter into the NCIC all information contained in the missing person report *within 7 days* of receipt of the report
 - *No foul play suspected:* the law enforcement agency shall enter into the NCIC all information contained in the missing person report *within 30 days* of receipt of the report
 - *Initially, foul play not suspected; evidence of foul play discovered within 7 days of receipt of the report:* the law enforcement agency shall enter into the NCIC all information contained in the missing person report *within 7 days* of receipt of the initial report
 - *Initially, foul play not suspected; evidence of foul play discovered 8 or more days after receipt of the report:* the law enforcement agency shall enter into the NCIC all information contained in the missing person report *within 48 hours* of discovery of the evidence of foul play

The Statutory Requirements provide that evidence of foul play includes (a) evidence that the person's home or car is in disarray; (b) evidence of a struggle between the person and another person; or (c) any evidence that the law enforcement agency establishes in its written policy.

Additionally, pursuant to Ohio Revised Code section 2901.31, all law enforcement agencies in the state of Ohio are required to cooperate fully with the United States Attorney General in the collection of information that would assist in the identification of missing persons under the Federal Missing Children Act (28 USCA § 534), which also includes requirements relevant to missing persons.

If a person reported as missing in the NCIC is found, the law enforcement agency must remove that information from the NCIC promptly.

The OAG Best Practices Protocol

The OAG Best Practices Protocol outlines the Statutory Requirements, and provides a sample written policy that can be modeled by law enforcement agencies seeking to comply with the Statutory Requirements. The sample written policy provides a list of steps that a law enforcement agency can take prior to filing the report with the NCIC in order to determine (a)

whether a report is required and (b) the time period within which it must be filed. The steps that can be taken prior to filing a report with the NCIC are:

- Determine whether the circumstances indicate that a person is missing, or whether the circumstances indicate a different situation
- Determine whether foul play or other criminal activity is suspected
- Determine whether the missing person is at risk

In the same section, the OAG Best Practices Protocol provides guidance as to the steps an officer can take to begin the process of locating the missing person. The steps listed are:

- Obtain a current description of the person and a photograph
- Determine what steps can be taken to locate the missing person
- Determine what other outside assistance might be needed, if any
- Determine whether all necessary paperwork has been completed
- Determine whether a DNA standard has been obtained

The OAG Best Practices Protocol lists other agencies, and their phone numbers, that may be helpful. Additionally, the OAG Best Practices Protocol includes a sample Uniform Missing Person Report Form.

The Department Policy

The Department Policy is the CPD's statutorily required written policy. The Department Policy generally tracks the Statutory Requirements, but adds additional requirements. Additionally, the Department Policy sets forth the overall goal of the CPD: acting promptly to locate persons reported missing. The steps that the CPD follows in order to locate persons reported missing, as set forth in the Department Policy, are outlined below.

Initial Report

The officer sends the report to the Missing Persons Liaison in the district and the Record File Section. The Missing Persons Liaison in the Record File Section will enter the information from the report into the required databases and will maintain a copy of the Release Form. An officer will generate a missing person report that must include a title that provides details on the circumstances of the person (i.e., endangered, disabled, etc.). The officer will also have the next of kin complete a Release Form that permits the CPD to release photographs to the public and to obtain medical and dental records. The Missing Person Liaison will maintain a copy of the Release Form.

When the initial report is taken, the investigating officer must contact:

- The Warrant Unit
- The Report Intake/Review Unit (determine if missing person is in hospital)
- The Cuyahoga County Coroner's Office
- If a vehicle is involved, the CCS to determine if the vehicle was towed
- The Alzheimer's Association if dementia or Alzheimer's is involved.

Additionally, if a person reported missing is last seen near a body of water, the CPD Communications Control Section ("CCS") will notify the Coast Guard.

Reporting

The Department Policy requires the Missing Person Liaison in the Record File Section to enter information about persons reported missing into its internal system, the NCIC, and the Record Management System ("RMS"). The Department Policy states that all information must be entered into the NCIC "within the allotted time," but does not further define "allotted time."

The Department Policy creates sub-categories of missing person reports that must be entered into the NCIC in addition to the general categories set forth in the Statutory Requirements. Information about a missing person report must be entered into the NCIC if (a) a person is a disabled person of any age is reported missing; (b) a person of any age is reporting missing under circumstances that indicate the person's physical safety may be in danger; (c) a person of any age is reported missing under circumstances that indicate the disappearance is involuntary; (d) a person of any age is missing after a catastrophe; or (e) a person older than 18 is missing under circumstances that create a reasonable concern for the person's safety.

The officer will forward the original NCIC form, along with a photograph (if available) to the Record File Section. The officer will also forward a duplicate of the NCIC form and photograph to the Missing Person Liaison.

The RMS report must include the following information:

- Name, age, address, telephone number of each person interviewed
- Relationship between the reporting person and the missing person
- Name and address of the natural (or step/foster) parents of the missing person
 - For Missing Endangered/Elderly adult, the names and addresses of other family members in the area must be included

- Complete name, date of birth, birthplace, SSN, school attended, grade, physical and clothing description (scars, tattoos, marks) and all other relevant physical descriptive information
- Information on habits, friends, and places missing person commonly visited
- Medical conditions/current medication, treating physician/dentist, hospital
- Year, make, model, color and license of the missing person's car
- Notation of whether NCIC Form was completed
- Notation of whether an all channels broadcast was made or requested
- Notation of any alerts issued.

The Missing Person Liaison will ensure that the CPD's internal report contains all requisite information, that follow-up is entered into the internal report in a timely manner, that the information is entered into the NCIC in a timely manner, and that all validation procedures relative to the NCIC report and any Law Enforcement Automated Data System ("LEADS") reports are complied with in a timely manner.

Additional CPD Responses

A Supervisor must respond to a missing person report if (a) the missing person has shown suicidal behavior or (b) an NCIC report was filed. The Supervisor will assign a zone car to follow up if the person reported missing has a serious medical condition or the missing person report is categorized as an "Endangered/Elderly Adult." The zone car will continue to follow up on the missing Endangered/Elderly Adult until the missing Endangered/Elderly Adult is located or as directed by the district commander.

Additionally, an Ohio Missing Adult Alert can be issued if (a) the CPD confirms that the person is missing, (b) the disappearance presents a credible threat of immediate danger of serious bodily harm or death, and (c) the CPD has sufficient information to indicate that activation of the alert will help locate the individual. An Ohio Missing Adult Alert is a LEADS based alert system that notifies the public and media about missing adults. An Ohio Missing Adult Alert will be issued if the missing person report is categorized as an Endangered/Elderly Adult.

If an Ohio Missing Adult Alert is issued, a Missing Child/Missing Endangered/Elderly Adult Alert Form shall be faxed to CCS. CCS shall initiate a broadcast to all districts, and fax a Missing Adult Alert to each district, which will be read at subsequent roll calls. Additionally, The Commander of the district of occurrence and the Public Information Officer ("PIO") will be paged immediately. The PIO and the Deputy Chief of Field Operations will determine whether the media should be asked to air the information

If a person reported missing is not located for a period of 30 days, the investigating detective will obtain the dental records of the person reported missing and forward them to the Missing Person Liaison.

Person Reported Missing is Located

If a person reported missing is found the investigating officer shall make every effort to personally identify the individual. If the person is located outside of the CPD's borders, the officer will request that the appropriate foreign police department personally identify the individual.

When the officer has verified that the person reported missing has been located, the officer will promptly complete an RMS supplement report. The RMS supplement report will state whether individual returned of his own volition or was located, and where the person was found. Additionally, the officer will notify CCS immediately, and the CCS supervisor will write "cancelled" on all required forms and fax them to PIO and all police districts.



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: MARCH 1, 2002	REVISED DATE:	NO. PAGES: 1 of 4	NUMBER: 6.2.09
SUBJECT: SEXUAL ASSAULT INVESTIGATIONS			
ASSOCIATED MANUAL: SEX CRIMES UNIT		RELATED ORDERS: 4.1.01, 4.1.03, 6.2.08	
CHIEF OF POLICE:			

PURPOSE: To establish guidelines to investigate and gather evidence in sexual assault cases.

POLICY: The Cleveland Division of Police recognizes trace evidence as one of the most important factors in a sexual assault investigation and shall timely and uniformly; gather, preserve and submit evidence.

DEFINITION: **Trace evidence** is clothing or articles that may contain fluids, hairs, fibers, dirt, fingerprints, semen, skin, saliva, feces, or vomit. Condoms, tampons, and feminine pads are also included. This evidence may not be visible, however, it may be on clothing, sheets or other articles.

PROCEDURES:

I. Gathering evidence (protective gloves shall be used to gather evidence):

A. Clothing:

1. Collect clothing and articles which, upon visual examination, appear to or are likely to contain trace evidence, or are torn or damaged which may indicate the use of force.
2. Hospital personnel may give the victim's clothing to officers at the time of the emergency room examination. Line four of the property tag, "FOUND BY", shall contain the name of the actual hospital personnel who give the clothing to the investigating officer.
3. If a suspect is apprehended shortly after the crime, remove their clothing when they are booked and clothe them in a paper suit.

PAGE: 2 of 4	SUBJECT: SEXUAL ASSAULT INVESTIGATIONS	GPO NUMBER: 6.2.09
-----------------	---	-----------------------

4. Officers shall separate victim and suspect clothing.
- B. Items of evidence obtained from the victim, suspect and crime scene shall be marked, tagged and packaged in a clean paper bag.
1. Items from each source shall be placed in a separate bag. Items from victim and suspect shall also be kept separate.
 2. To prevent contamination, individual items shall be wrapped separately before they are placed in a paper bag.
 3. If possible allow wet items to dry before packaging otherwise print "WET ITEMS" in large letters, on the outside of the bag for laboratory personnel.
 4. If a stain is wet, place a piece of paper over it or fold it so the stained area does not transfer material to another portion of the clothing or fabric.
 5. Officers who obtain evidence shall enter a description in the district or unit property book. Copies of pertinent reports shall accompany the evidence to the Forensic Laboratory.
- C. Crime scene evidence:
1. Initial on scene officers shall collect evidentiary items, soiled bedding, towels, etc, which contain or appear to contain trace evidence. They shall also collect items that may prove or disprove the facts of the case. All evidence must be placed in clean paper bags. Evidence shall not be put in plastic bags. The contaminated evidence shall be double-bagged in paper bags. If a member has doubt about rape evidence leaking, place the bag(s) in a non-leaking box or container. Mark, tag and enter evidence in the property book.
 2. For an incident in an auto, officers shall make an initial observation for stained upholstery or seats, discarded clothing, condoms or wrappers, items belonging to the victim, or any other items used by the suspect or described by the victim.

PAGE: 3 of 4	SUBJECT: SEXUAL ASSAULT INVESTIGATIONS	GPO NUMBER: 6.2.09
-----------------	---	-----------------------

3. Tow the vehicle for processing and complete Form C of C 71-1081. Indicate type of trace evidence sought and the most likely place to find it.
4. Standardized crime scene processing procedures shall be followed. Do a fingerprint search and gather photographs and other evidence as circumstances require.

D. Photographs:

Signs of scratches, bruises, or marks of violence on the victim or suspect, require a request for the Photo Unit to take color photographs.

1. If the hospital has a procedure for photographs of a victim's injuries by their personnel, at the time of examination, note this in the Record Management System (RMS) report. If the photographs are in the form of exposed film, note this in the RMS report.
2. Polaroid photographs taken by officers on scene require them to obtain information for the property envelope and also enter it in the property book. Photographs shall be forwarded to the Sex Crimes Unit.

E. Rape evidence kits:

1. Hospital emergency rooms use rape evidence kits for sex crime victim examinations. Hospital personnel collect medical samples from the victim for evidentiary purposes and give them to the Division for processing by the Forensic Laboratory.
2. Officers shall accept samples as evidence and take care to maintain the chain of custody.
3. Uniformed officers who make the initial investigation shall accept the rape kit if it is complete prior to finishing their assignment. Attach the RMS report to the outside of the rape kit and mark, tag and entered the kit in the property book.

PAGE: 4 of 4	SUBJECT: SEXUAL ASSAULT INVESTIGATIONS	GPO NUMBER: 6.2.09
-----------------	---	-----------------------

4. Hospitals will give the Division the rape kit in a sealed box or container. The officer who accepts the kit shall sign and put their badge number in the "chain of evidence" or "received by" line on the box and on the chain of evidence form. Request the hospital to seal the box before accepting it.
5. Officers shall describe the box on the property tag as a "sealed rape evidence kit" and enter the name of the actual hospital employee who gave them the kit, in the space marked FOUND BY, line four of the tag.

II. Investigative duties of district personnel:

- A. Between 0800-2000 hours uniformed officers shall immediately notify their supervisor if they determine a sexual assault has occurred. The supervisor shall contact the Sex Crimes Unit by telephone.
- B. Between 2000-0800 hours, if conditions warrant (brutality of crime, physical state of victim, age of victim) the supervisor on scene may notify the Chief Dispatcher to contact the Sex Crimes Unit member on call through a pager system.
- C. Zone car officers shall make the RMS report, issue a Form-42 to the victim if the suspect is unknown and fax a report copy to the Sex Crimes Unit.
- D. Officers shall notify 696-KIDS and place the reference number on their report if children are involved.

EXECUTIVE SUMMARY

Cleveland, Ohio – Requirements Related to Sex Crimes and Offenders

Introduction

There are three sources of authority that establish the requirements that law enforcement agencies, including the Cleveland Division of Police (“CPD”), must comply with in relation to sex crimes. The Ohio Revised Code, (2) the Cleveland Municipal Code, and (3) the Cleveland Division of Police General Police Order 6.2.09 (the “GPO”).

State Law Requirements

Ohio’s sex offender registry imposes obligations mainly on county sheriff’s departments to register, verify, and publish information regarding convicted sex offenders. Based on the severity of the crime, a convicted sex offender falls under one of three tiers within the registry. The duty to register occurs at sentencing and the registrant is required to register his residence, place of employment, and educational institution with the local county sheriff. The offender is required to keep his registration current, notifying the sheriff of any change of residence, employment, or education institution.

An offender who is under an ongoing duty to register must periodically verify the registered addresses, even if no change has occurred. A Tier I offender must verify once a year, a Tier II every 180 days and a Tier III every 90 days. The offender must verify his registration information in person to sheriff, unless the sheriff opts to mail the verification forms to the offender’s address, of which the offender may return completed to the sheriff, in person.

In addition, a Tier III offender must send the sheriff of the county in which the offender intends to reside written notice of the offender’s intent to reside in the county at least twenty days prior to the date the offender begins to reside in that county. The written notice of intent to reside must contain the offender’s name, the address at which the offender intends to reside, and the sexual offense.

The length of time an offender must remain in the registry depends on the tier designation. A Tier I offender must remain on the registry for 15 years, a Tier II for 25 years, and a Tier III offender remains on the registry for life.

Currently, the Ohio Senate is considering legislation that would change the reporting requirements for sex offenders. (Senate Bill 217). The bill requires that upon registering or changing a residence, the county sheriff must verify the address of a Tier III offender by physically observing the offender at the residence. In addition, at the time of registration, the offender would be required to provide two pieces of identification verifying the address, such as a state identification card, driver’s license, paycheck, or utility bill. Instead of the current 90-day requirement, a Tier-III offender would need to verify his address every 30 days with the county sheriff responsible for making face-to-face contact with the offender at his residence every 90

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

days. In addition, under the bill, the county sheriff would be required to annually notify the community of the presence of the Tier III offender.

At the request of either the victim or the offender, the presiding judge in any sex offense prosecution shall order the names of the victim and offender and the details of the offense as obtained by any law enforcement officer suppressed until the preliminary hearing.

A victim of rape, when interviewed by a law enforcement agency, must be interviewed by an officer who has received crisis intervention training, where such officer is reasonably available. In addition, when an accused offender test positives for a communicable disease, the law enforcement agency that arrested the individual must immediately notify the victim of the disease.

Any cost incurred by a hospital or emergency medical facility in the medical examination of a victim of rape, sexual imposition, gross sexual imposition, sexual battery, or unlawful sexual conduct with a minor will be paid out of the Ohio Victim's Reparation Fund. The purpose of the medical examination must be for the purpose of gathering physical evidence for a possible prosecution, and includes the cost of any antibiotics administered.

Local Requirements

The GPO provides detailed guidance on procedures related to evidence collection. However, it provides limited guidance on the comprehensive investigation of a sex crime.

If a sex crime occurs between 8:00 a.m. and 8:00 p.m., the responding uniformed officer should immediately notify the officer's superior that a sex crime has occurred. The supervisor is to contact the Sex Crimes Unit by telephone. Between the hours of 8:00 p.m. and 8:00 a.m., if conditions warrant, the supervisor may notify the Chief Dispatcher to contact the Sex Crimes Unit member on call through the pager system. Conditions warranting immediate contact include: brutality of the crime, physical state of the victim, and age of victim. Whenever an officer responds to a sex crime, the officer shall make an RMS report and fax a report copy to the Sex Crimes Unit.

Several procedures are noted for collecting initial trace evidence at the crime scene, which is the responsibility of the responding officer. Topics covered include the need to wear gloves, proper bagging and tagging of materials, the need to collect clothing from both the victim and suspect, and the need to keep evidence from victims and suspects separate to prevent cross-contamination.

Rape evidence kits taken by hospital personnel must be forwarded to the police forensics laboratory. If the officer assigned to the initial call is still on assignment, that officer will retrieve the kit. Care must be taken to maintain the chain of custody. The officer accepting must sign the officer's name and badge number on the sealed evidence kit from the hospital.

VORYS

SUMMARY

Cleveland, Ohio – Requirements Related to Sexual Crimes and Offenders

There are four separate sources of authority that establish the requirements that law enforcement agencies, including the Cleveland Division of Police (the “CDP”), must comply with in relation to sexual offenses: (1) The Ohio Revised Code’s sex offender registry, (2) The Ohio Revised Code’s sex crime procedures, (3) the Cleveland Municipal Code, and (4) the Cleveland Division of Police General Police Order 6.2.09 (the “GPO”).

Ohio Revised Code **Sex Offender Registry**

The Ohio Revised Code has enacted a system of sex offender registration by which those found guilty of sex-based offenses are required to register and are then tracked by state and local officials. The system creates obligations on the part of the offenders, the court system, the Ohio Attorney General, the Ohio Bureau of Criminal Investigations, and local law enforcement officials. The registration system is outlined below.

I. Who Qualifies as a Sex-Offender and the Three Tiered Approach

The dictates of the registry will apply where an individual is “convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for the following sexually oriented offenses”:

- Rape (O.R.C. § 2907.02)
- Sexual battery (O.R.C. § 2907.03)
- Gross sexual imposition (O.R.C. § 2907.05)
- Sexual imposition (O.R.C. § 2907.06)
- Importuning (O.R.C. § 2907.07)
- Voyeurism (O.R.C. § 2907.08)
- Compelling prostitution (O.R.C. § 2907.21)
- Pandering obscenity (O.R.C. § 2907.32)
- Pandering obscenity involving a minor (O.R.C. § 2907.321)
- Pandering sexually oriented matter involving a minor (O.R.C. § 2907.322)
- Illegal use of minor in nudity-oriented material or performance (O.R.C. § 2907.323)
- Unlawful sexual conduct with minor (O.R.C. § 2907.04)
- Homicide or assault with sexual motivation (O.R.C. §§ 2903.01 et seq.)
- Kidnapping with sexual motivation (O.R.C. § 2905.01 et seq.)

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Ohio Rev. Code §3950.01(A)(B)

Once an individual is labeled a sex offender, the next step is to label that individual as a Tier I, II, or III offender based on the ascending severity of the crime. (Ohio Rev. Code §3950.01(C)). The tier under which the offender falls will increase the length of time he will be subject to the registration requirement as well as increase the frequency that he must update his residence, school, vehicular, and employment information. The crimes that fall under each tier are:

<u>Tier I</u>	<u>Tier II</u>	<u>Tier III</u>
<ul style="list-style-type: none">• Gross sexual imposition (victim over 13) (§2907.05)• Sexual imposition (§2907.06)• Importuning (§2907.07)• Voyeurism (§2907.08)• Pandering obscenity (§2907.32)• Illegal use of minor in nudity-oriented material or performance (possession) (§2907.323)• Unlawful sexual conduct with minor (less than four year age difference) (§2907.04)	<ul style="list-style-type: none">• Gross sexual imposition (victim under 13, indirect touching) (2907.05)• Compelling prostitution (2907.21)• Pandering obscenity involving a minor (2907.321)• Pandering sexually oriented matter involving a minor (§2907.322)• Illegal use of minor in nudity-oriented material or performance (creation) (2907.323)• Unlawful sexual conduct with minor (greater than four year age difference) (§2907.04)• Second Offense	<ul style="list-style-type: none">• Rape (§2907.02)• Sexual battery (§2907.03)• Gross sexual imposition (victim under 12) (§2907.05)• Murder with sexual motivation (§2903.01)• Kidnapping a minor to engage in sexual activity (§2905.01)• Felonious assault with sexual motivation (§2903.11)• Sexual offense following Tier II status

II. Registration

Once an individual is established as a sexual offender, the offender is required to register with relevant authorities. The offender must register his residence, place of education, and place of employment with the county sheriff's office whose jurisdiction encompasses those locations.

A. *Initial Registration - Sentencing*

The initial registration must occur immediately following the offender's sentencing for a sexual offense. (O.R.C. §2950.07(A)(1)). Immediately following sentencing, and before the

VORYS

offender is remanded to the custody of the department of corrections, the offender must register personally with the county sheriff in the county where the conviction occurred. Id. To effectuate this initial registration, a law enforcement officer¹ will be present at the sentencing and immediately transport the offender to the sheriff for registration.

B. Subsequent Registration upon Release

Upon release from prison, the offender's duty to register immediately commences (O.R.C. §2950.07(A)(3)). That duty includes the following:

- Personally register with the sheriff in the county within three days of entry into to a county where the offender intends to reside for more than three days
- Personally register with the sheriff in a county in which the offender attends a school or institution of higher education regardless of domicile
- Personally register with the sheriff in the county in which the offender is employed for more than three days or an aggregate of fourteen days in the calendar year
- The offender must register in any other state as required by that state's registration rules

C. Registration Form – Duties of Sheriff

When an offender registers, certain information must be contained in the form provided by the sheriff. (O.R.C. §2950.07(C)). The forms must include the following information:

- The offender's name and aliases
- The offender's SSN and date of birth
- Length of imprisonment if the registration occurs at sentencing
- Address of residence, employer, and school where applicable
- License plate number of all vehicles available to offender, and description of where vehicle kept
- The offender's driver's license number
- The offender's DNA sample if crime was committed outside of Ohio
- A description of each professional or occupational license held by the offender
- Any email addresses, internet identifiers, or telephone numbers used by the offender

¹ The statute does not provide which type of law enforcement officer must be present. Because the offender must be transported to the sheriff, it is presumed that the officer would come from the sheriff's office.

•
Id. After the offender submits the form to the sheriff, the sheriff is required to forward the form and corresponding materials to the bureau of criminal identification. (O.R.C. §2950.07(D)). Where the offender registers a school or employment address, the sheriff shall provide notice to the law enforcement agency with jurisdiction over those locations. Id.

D. Addition Requirements for Tier III Offenders

In addition to the above requirements, a tier III offender must send the sheriff of the county in which the offender intends to reside written notice of the offender's intent to reside in the county at least twenty days prior to the date the offender begins to reside in that county. (O.R.C. §2950.07(G)). The written notice of intent to reside must contain the offender's name, the address at which the offender intends to reside, and the sexual offense. Id.

Upon receiving an intent to reside notice, the sheriff must provide written notice to any individual residing within 1000 feet of the intended residential premises, the executive director of the public children's agency in the area, the superintendent of each board of education serving the notification area, school principals within the geographic area, director of preschools within the geographic area, amongst others. (O.R.C. §2950.11(A)). The notice must include the offender's name, address, sexual offense, and a photograph of the offender. (O.R.C. §2950.11(B)). Those who receive the notice are required to keep records of the names and locations of such tier III offenders moving into the area. Id.

III. Periodic Verification of Registration

An offender who is under an ongoing duty to register must periodically verify the registered addresses, even if no change has occurred. (O.R.C. §2950.06). There is a prescribed method of verification along with a frequency of verification that varies based upon the tier designation of the offender.

A. Frequency of Verification

The frequency of verification after initial registration differs based on the tier that an offender is classified under. The table below demonstrates the frequency that each offender must verify his address (O.R.C. §2950.11(B)):

Tier I	Once a year
Tier II	Every 180 days
Tier III	Every 90 days

B. Procedure for Verification

Each offender is required to verify the address in person with the applicable sheriff's office. (O.R.C. §2950.06(C)(1)). The individual must appear no earlier than ten days before the

required verification date and no later than the required date. Id. The date of verification is considered to be the date in which the offender appeared, completed, and signed the required forms. Id.

The sheriff has the option of mailing the required verification forms to the offender's address (via unforwardable mail). (O.R.C. §2950.06(C)(2)). The letter must conspicuously demand that the offender appear before the sheriff to complete the form. Id. Upon the offender's timely personal appearance as directed by the letter, the requirements of verification will be met. Id.

After the offender fills out the appropriate verification form, the sheriff must promptly forward a copy of the form to the bureau of criminal investigation. (O.R.C. §2950.06(E)). In addition, if the verification form includes a school or place of employment, the sheriff shall forward information to the local law enforcement officials with jurisdiction over those locations. Id.

C. Failure to Verify

If an offender fails to timely verify his registration in person, the sheriff must send written notice to the offender on the day following the date required for registration. (O.R.C. §2950.06(G)(1)). The writing must conspicuously (i) identify the sheriff, (ii) the offender's failure to verify, (iii) state that the offender has seven days to verify his registration, and (iv) state that failure to verify is a felony offense which will result in arrest. Id.

If the offender fails to personally verify his registration in seven days, the sheriff is required to promptly notify the bureau of criminal investigation of the failure and locate and arrest the offender. (O.R.C. §2950.06(G)(2)).

IV. Notice of Address Change

When an offender changes his residence, job, or school, the offender is required to update the required registration promptly. (O.R.C. §2950.05). First, the offender must notify in writing the sheriff in the county the offender he is currently registered between twenty days before and three days following the change. (O.R.C. §2950.05(A)). The offender is likewise required to provide written notice to the sheriff, within three days of the change, any change in (i) vehicle information, (ii) email addresses, (iii) internet identifiers, or (iv) telephone numbers. (O.R.C. §2950.05(D)). Upon receiving a change notification, the sheriff shall promptly forward the new address (i) to the bureau of criminal investigation if the new address is in another state, or (ii) to the county sheriff of the new address if within Ohio. (O.R.C. §2950.05(E)). Any update of vehicle or contact information shall be submitted to the bureau of criminal investigation. Id.

In addition to providing written notification to the sheriff to which the offender used to report, the offender is required to register his new address to the sheriff whose jurisdiction contains the offender's new residence, job, or school. (O.R.C. §2950.05(A)). The sheriff receiving the registration shall forward such registration information to the bureau of criminal

VORYS

investigation and the local authorities where any registered school or place of employment are located. (O.R.C. §2950.05(E)).

V. Length of Duty to Register, Termination of Registration Requirements

For a newly convicted offender, the duty to register commences at the time of sentencing. (O.R.C. §2950.07(A)). If the offender was not compelled to register at sentencing because the sentencing pre-dated the current registration rules, the registration term commences when the offender registered under the old rules.² (Id.; O.R.C. §2950.07(A)(7)) Finally, if the offender was convicted in another state, the registration requirements for Ohio commence upon first entering and registering in Ohio. Id.

The period that an offender is required to register varies based upon his tier classification as follows:

- Tier I: the offender must remain on the registry for fifteen years following the commencement of his registration. (O.R.C. §2950.07(B)(3)).
- Tier II: the offender must remain on the registry for twenty-five years following the commencement of his registration. (O.R.C. §2950.07(B)(2)).
- Tier III: the offender remains on the registry for life. (O.R.C. §2950.07(B)(1)).

VI. Proposed Changes – Senate Bill 217

Currently, the Ohio Senate is considering legislation that would change the reporting requirements for sex offenders. (Senate Bill 217). The bill requires that upon registering or changing a residence, the county sheriff must verify the address of a Tier III offender by physically observing the offender at the residence. In addition, at the time of registration, the offender must provide two pieces of identification verifying the address, such as a state identification card, driver's license, paycheck, or utility bill.

The Bill also increases the frequency that a Tier III offender must verify a residence. Instead of the current 90-day requirement, the Tier III offender would be required to verify the residence every thirty days. In addition, the county sheriff would also be responsible for making face-to-face contact with the offender at his residence every 90 days. In addition the community reporting of Tier III offenders would be increased from a one-time to annual occurrence.

² If the offender never registered under the old rules (for example he was in prison and did not make the effort to register), his registration period commences at the first time he registers (e.g., upon release from prison).

Ohio Revised Code
Other Statutory Requirements

I. **Suppression of Victim and Offender's Identity**

At the request of either the victim or the offender, the presiding judge in any sex offense prosecution must order the names of the victim and offender and the details of the offense as obtained by any law enforcement officer suppressed until the preliminary hearing. (O.R.C. §2907.11). This order precludes the police or any other individual from releasing information regarding the alleged sex offense until the arraignment.

II. **Crisis Training Required for Victim Interviews**

A victim of rape, when interviewed by a law enforcement agency, must be interviewed by an officer who has received crisis intervention training, when such officer is reasonably available. (O.R.C. §2907.30(A)). In addition, when an accused offender test positives for a communicable disease, the law enforcement agency that arrested the individual must immediately notify the victim of the disease. (O.R.C. §2907.30(B)).

III. **Payment for Victim's Medical Exam**

Any cost incurred by a hospital or emergency medical facility in the medical examination of a victim of rape, sexual imposition, gross sexual imposition, sexual battery, or unlawful sexual conduct with a minor will be paid out of the Ohio Victim's Reparation Fund. (O.R.C. §2907.28(A)). The purpose of the medical examination must be for the purpose of gathering physical evidence for a possible prosecution, and includes the cost of any antibiotics administered. (Id.) In order to receive reimbursement, the hospital or emergency facility must follow the protocol for conducting the examinations identified by the attorney general and must submit requests for payment to the attorney general on a monthly basis and accept a flat fee for the same. (Id.)

Cleveland Municipal Code
Police Notification of Sexual Offenders

The Cleveland Municipal Code provides that when the Cleveland Police receive notice that a sex offender resides in the city pursuant to the sex offender registry statutes under the Ohio Revised Code, the chief shall inform the District Commander and member of Counsel in whose ward the offender is located. (Clev. Muni. Code §135.043). The notice must include:

- The offender's name
- The address or addresses at which the offender resides
- The sexually oriented offense of the offender
- A statement that the offender has been adjudicated as a sexual predator.

Cleveland Police GPO
Sexual Assault Investigations

The GPO provides detailed guidance on procedures related to evidence collection. However, it provides limited guidance on the comprehensive investigation of a sex crime.

If a sex crime occurs between 8:00 a.m. and 8:00 p.m., the responding uniformed officer should immediately notify the officer's superior that a sex crime has occurred. The supervisor is to contact the Sex Crimes Unit by telephone. Between the hours of 8:00 p.m. and 8:00 a.m., if conditions warrant, the supervisor may notify the Chief Dispatcher to contact the Sex Crimes Unit member on call through the pager system. Conditions warranting immediate contact include: brutality of the crime, physical state of the victim, and age of victim. Whenever an officer responds to a sex crime, the officer shall make an RMS report and fax a report copy to the Sex Crimes Unit.

Several procedures are noted for collecting initial trace evidence at the crime scene, which is the responsibility of the responding officer. Topics covered include the need to wear gloves, proper bagging and tagging of materials, the need to collect clothing from both the victim and suspect, and the need to keep evidence from victims and suspects separate to prevent cross-contamination.

In addition, procedures are outlined for photographing of signs of scratches, bruises, or marks of violence on the victim or suspect. These photographs should be taken by the Photo Unit and the photographs should be placed in a property envelope and forwarded to the Sex Crimes Unit.

Rape evidence kits taken by hospital personnel must be forwarded to the police forensics laboratory. If the officer assigned to the initial call is still on assignment, that officer will retrieve the kit. The CPD Sex Crimes GPO underscores that whichever officer collects the kit, care must be taken to maintain the chain of custody. The kits are given to an officer from the hospital as a sealed box, the officer accepting must sign the officer's name and badge number. The kits should be described as a "sealed rape evidence kit" and the name of the hospital employee who gave the kit to the officer should be recorded.

Special Commission on
Missing Persons and
Sex Crime Investigations

Appendix I



VORYS

March 30, 2010

EXECUTIVE SUMMARY

Atlanta, Georgia – Requirements Related to Missing Persons

Introduction

The Atlanta Police Department (“APD”) is subject to several requirements related to missing persons which are based on both Georgia state law (the “Statutory Requirements”) and local APD policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

The Statutory Requirements prohibit any law enforcement agency from establishing a mandatory waiting period before opening an investigation involving a missing person who has Alzheimer’s disease or other mental illness involving dementia. The Statutory Requirements also require every law enforcement agency to immediately collect, classify, and preserve any information which would assist in the location of any missing person. They do not, however, provide any detailed definition of a “missing person.”

The Statutory Requirements direct all law enforcement agencies to collect any available information, including physical descriptions, descriptions of clothing, dental charts, and fingerprints, about each person reported missing by a parent, guardian, or next of kin. They also require law enforcement agencies to enter missing person reports into the National Crime Information Center (“NCIC”) database within 12 hours. Once a missing person is located, the agency that entered the missing person report is required to immediately remove it from the NCIC database.

Local Requirements

The Department Policy defines a missing person as any person who is absent from, or fails to reach, his or her home, school, job, place of recreation, or some other location within a reasonable length of time, without a known or apparent reason. When a missing person call is made, the call taker has the responsibility of collecting and passing along information, and no waiting period may be imposed for reporting a missing person. The call taker is required to obtain a complete physical description, including the clothing the missing person was last seen wearing, and then broadcast a lookout on all police radio frequencies.

Responding field officers must assess the situation and begin efforts to locate the missing person. They must obtain as much information as possible concerning the whereabouts and description of the missing person, including the circumstances surrounding the events related to the person's missing status. They are then required to immediately report the person's description and other pertinent information to be broadcast on all police radio frequencies.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

A responding field officer must complete an Incident Report, which includes details such as the name, age, sex, race, and physical description of the victim; the time, date, and place of the missing person's last known location; any indications of missing personal belongings; whether the person is dependent on drugs or alcohol; and whether there are any suggestions of foul play or an accident.

The Department Policy also requires that an investigator (i.e., a detective) be assigned to the case. The investigator is required to check several locations, such as hospitals, shelters, and jails, along with bank and cell phone records in order to locate the missing person.

Comparison of Requirements for Atlanta Police Department and Requirements for Cleveland Division of Police

The APD and the Cleveland Division of Police (the "CPD") are subject to many similar requirements related to missing person investigations, although there are a few distinct differences.

Georgia state law prohibits any waiting period in certain cases, while Ohio state law has no similar prohibition. Georgia state law also requires every law enforcement agency to immediately collect, classify, and preserve any information which would assist in the location of any missing person, while Ohio state law contains no similar requirement. However, Georgia state law does not provide a general definition for "missing person," instead leaving the definition to local law enforcement agencies, while Ohio state law does define "missing person."

Georgia also requires all law enforcement agencies to collect any available information, including physical descriptions, descriptions of clothing, dental charts, and fingerprints, about each person reported missing by a parent, guardian, or next of kin, while Ohio law contains no similar provision. Georgia law enforcement agencies must also enter missing person reports into the NCIC database within 12 hours, while Ohio law requires entry within time periods that vary from immediately (for missing persons between the ages of 18 and 21) up to 30 days (for missing persons over the age of 21 when no foul play is suspected).

The APD's Department Policy defines a missing person, while the CPD's Department Policy does not contain a definition and instead relies on the one provided by Ohio state law. The APD's Department Policy also lists many locations and records that must be checked in order to locate the missing person, such as all metro Atlanta jails, hospitals, and shelters, along with bank and cell phone records. In contrast, the CPD's Department Policy only requires the investigating officer to check internal units such as the Warrant and Report Intake/Review Units, along with the County Coroner's Office.

SUMMARY

Atlanta, Georgia – Requirements Related to Missing Persons

Atlanta has a population of 533,016, and the Atlanta Police Department (“APD”) employs 1,619 police officers. Crime in the United States 2008. The APD’s Missing Persons Unit currently has one dedicated detective (who is called an “investigator” by the APD).

Sources of Authority Regarding Atlanta, Georgia, Police Department Requirements Related to Missing Persons

There are three levels of authority that establish the requirements that the APD must comply with in relation to missing persons: (1) Georgia Code Annotated sections 35-1-8, 35-3-171, 35-3-172, 35-3-175, 35-3-176, 35-3-177, and 35-3-179, and Georgia Administrative Code, Rules of Georgia Crime Information Center Council, section 140-2-.15 (the “Statutory Requirements”); (2) Atlanta Municipal Code section 98-3 (the “City Requirements”); and (3) Atlanta Police Department Standard Operating Procedures (“SOPs”) 3085 and 5040 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

I. State Law

Georgia state law defines a missing person as such a person who is at least 18 years old. While the state does not prescribe a definition for “missing” generally, it does provide that a person hospitalized or resident in a facility shall be considered to be a missing person when the facility reports an unexpected absence to a law enforcement agency. Every law enforcement agency has the duty: (1) to acquire, collect, classify, and preserve immediately any information which would assist in the location of any missing person; and (2) to exchange such records and information with other law enforcement agencies of the state, any other state, and the United States. The state also directs all law enforcement agencies to immediately open, without any waiting period, an investigation into the whereabouts of a person who has Alzheimer’s disease or other mental illness involving dementia. (Ga. Code Ann. § 35-1-8).

Georgia has also directed the Georgia Bureau of Investigation (“GBI”) to develop and implement a state-wide alert system, known as a “Mattie’s Call,” to be activated on behalf of missing adults who are developmentally impaired or who suffer from dementia or some other cognitive impairment (the “Disabled Adults”). As part of the alert system, the GBI is required to recruit public and commercial television, radio, cable, print, and other media, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system. On notification by a local law enforcement

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

agency that a Disabled Adult is missing, the GBI director must activate the alert system and notify appropriate participants in the alert system if all of the following criteria are met:

- A local law enforcement agency believes that a Disabled Adult is missing;
- A local law enforcement agency believes that the Disabled Adult is in immediate danger of serious bodily injury or death;
- A local law enforcement agency confirms that an investigation has taken place that verifies the disappearance and eliminates alternative explanations for the Disabled Adult's disappearance; and
- Sufficient information is available to disseminate to the public that could assist in locating the Disabled Adult.

The area of the alert may be less than state wide if the GBI director determines that the nature of the event makes it probable that the Disabled Adult did not leave a certain geographic location. The local law enforcement agency is required to assess the appropriate boundaries of the alert, based on the nature of the Disabled Adult and the circumstances surrounding the disappearance. On verification of the criteria, the local law enforcement agency must immediately contact the bureau to request activation and supply the necessary information on the forms prescribed by the GBI director. The GBI director is then required to terminate any activation of the alert system with respect to a particular Disabled Adult if he or she is located or the disappearance is otherwise resolved, or if the GBI director determines that the alert system is no longer an effective tool for locating and recovering the Disabled Adult. (Ga. Code Ann. §§ 35-3-171, 35-3-172, 35-3-175, 35-3-176, 35-3-177, 35-3-179).

II. State Administrative Code

The Georgia Crime Information Center ("GCIC") is an operating division within the GBI. Its rules are defined in the Georgia Administrative Code ("GAC"), as authorized by several provisions of Georgia state law.

The GAC requires all law enforcement agencies to collect information about each person reported missing by a parent, guardian, or next of kin. Information collected includes:

- physical descriptions;
- descriptions of clothing;
- dental charts;
- fingerprints if available; and
- other personal data useful in indentifying the missing person.

Agencies receiving the missing person reports must enter appropriate records in the Georgia Crime Information Center ("GCIC") and National Crime Information Center ("NCIC") databases within 12 hours. Once a missing person is located, the agency that authorized the entry of the missing person records must immediately remove those records from the GCIC and NCIC databases. (Ga. Comp. R. & Regs. 140-2-.15).

Local Requirements

I. City Requirements

Atlanta has authorized the Chief of Police to implement Atlanta's own "Mattie's Call" in the city. This authorization permits the Chief of Police to coordinate Metro Atlanta Law Enforcement, emergency management, and broadcasters in issuing an urgent bulletin in missing persons cases that involve individuals with Alzheimer's disease, dementia, and other mentally disabling conditions. Information regarding this type of missing person is to be sent to a wide range of agencies, including: (1) the Emergency Alert System, (2) all broadcast media, (3) Metro Atlanta homeless shelters and facilities, (4) hospitals, (5) jails, (6) area law enforcement agencies, (7) the mayor's office of communications, and (8) city field personnel. (Atlanta Muni. Code § 98-3).

II. Department Policy

The SOPs, which form the Department Policy, are the APD's written procedures for the investigation of adult missing persons, and they state that the policy of the APD is to investigate all reports of missing persons thoroughly, to carefully investigate and record the factual circumstances surrounding the disappearance, and to give particular attention in cases involving persons who may be mentally or physically impaired or who are incapable of caring for themselves. The APD's policy is to also give special attention to cases involving people who are either unidentified or unidentifiable, in order to determine if they have been reported as missing. (SOP 3085).

The Department Policy defines a missing person as any person who is absent from or fails to reach his or her home, school, job, place of recreation, or some other location within a reasonable length of time, without a known or apparent reason. This classification is made by determining whether the person's location is unknown and unexplained for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the person's behavior patterns, plans, or routines. Under the SOPs, missing persons also include any patients of hospitals, clinics, nursing homes, or mental institutions that leave without the permission or knowledge of those in charge. (SOP 3085).

Under the Department Policy, the Communications Section call taker has the responsibility of collecting and disseminating information upon receiving a missing person call, and no waiting period may be imposed for reporting a missing person. The call taker is required to obtain a complete physical description, including the clothing the missing person was last seen wearing, and then broadcast a lookout on all radio frequencies. (SOP 3085).

Responding field officers must assess the situation and begin efforts to locate the missing person. They must obtain as much information as possible concerning the whereabouts and description of the missing person, including the circumstances surrounding the events related to the person's missing status. Officers are then required to immediately give the person's description and other pertinent information to the Communication Section for dissemination to all radio frequencies. Officers are also required to notify a supervisor when:

- Information exists that the missing person may be the victim of foul play;
- Because of age (e.g., elderly), the person may be unable to properly safeguard or care for himself;
- The person suffers from diminished mental capacity or medical conditions that are potentially life-threatening if left untreated or unattended;
- The person is a patient at a mental institution and is considered potentially dangerous to himself or others; or
- The person has demonstrated the potential for suicide.

(SOP 3085).

If the missing person is suspected of being the victim of foul play or has some mental impairment or physical disability, a responding officer must also immediately:

- Request assistance for a canvass of the area or possible locations where the adult might be;
- Notify Homicide Unit investigators;
- Identify any witnesses who may have knowledge of the adult's whereabouts;
- Complete an incident report in detail;
- Obtain a photo of the adult, and forward it to the Homicide Unit along with a copy of the incident report; and
- Advise the reporting person the phone number for the Homicide Unit so they can contact the Missing Person Investigator if they receive additional information.

(SOP 3085).

Officers must complete an Incident Report, which must be immediately faxed to the Homicide Unit and to Central Records for entry into the GCIC and NCIC systems, and which is required to include the following information:

- The name, age, sex, race, and physical description of the victim;
- The relationship of the reporting party to the missing person;
- The time, date, and place of the missing person's last known location along with the identity of anyone accompanying the victim prior to the disappearance;
- Any indications of missing personal belongings, particularly money and other valuables;
- The extent of any previously conducted searches or inquiries;
- Whether the victim has been missing on prior occasions;
- The degree to which the absence departs from established behavior patterns, habits, or plans;
- Whether the victim has been involved recently in domestic incidents; suffered emotional trauma or a life crisis; demonstrated unusual, uncharacteristic, or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness;

- The current physical condition of the victim including whether the person is currently on prescription medication; and
- Any suggestions of foul play or accident.

(SOP 3085).

Field supervisors must ensure that the appropriate personnel are responding to the call for the level of response that the circumstances dictate. They will personally respond to the scene when required, such as when information is received that a missing person may be in a certain geographical area. Also, investigators will assist field officers and personally respond to the scene in certain situations, such as when foul play is involved. (SOP 3085).

A search will be organized and performed under the direction of the on-scene field supervisor when information is received that the missing person may be in a certain geographical area. Tracking dogs may be requested during a search for missing persons that are suspected to be victims of foul play. If searches require support from more than one public safety agency, the field supervisors will coordinate with the APD's Criminal Investigations Division ("CID") supervisors. Decisions to use the local media to help locate a missing person will be made by the lead investigator in consultation with the CID Commander. (SOP 3085).

Once an individual is classified as missing, the case will be forwarded to the CID for the follow-up investigation. A CID investigator will be assigned to the case, and the Homicide Unit will conduct follow-up investigations. (SOP 3085).

The Adult Missing Persons ("AMP") Squad of the Homicide Unit handles all adult missing persons cases. When an AMP Investigator receives a missing person report, the investigator will contact the reporting person to determine if the missing adult is competent, if the person left voluntarily, and the possible reasons for the disappearance. The investigator will also ensure that a full description of the missing person, along with any other pertinent information, has been included in the report. In order to locate the missing person, the AMP Investigator is required to:

- Ensure a lookout of the person has been given over the radio;
- Check all metro Atlanta jails;
- Check all metro Atlanta hospitals;
- Check day and night shelters if circumstances dictate;
- Check driver's license records and criminal histories;
- Check the last known location where the missing person was observed;
- Interview employers, co-workers, and neighbors if circumstances dictate;
- Check all credit cards, debit cards, and bank account activity; and
- Obtain cellular phone records if applicable.

(SOP 5040).

When a missing person is located, all agencies previously informed of the case will be contacted, the Homicide Unit will be notified and sent a copy of the recovery report, and either

VORYS

the CID lead investigator or the GCIC/NCIC operator will remove any missing person information from the GCIC and NCIC databases. If information that a missing person has returned home is received via telephone, it must be verified through a patrol officer's visit to the person's location to confirm the recovery, ascertain the circumstances of the absence, and document the case closure in a Supplemental Report. When a competent adult who was the subject of a missing person report is located, the officer is required to advise the person that he or she was the subject of a missing person's investigation, question that person to establish the circumstances surrounding the disappearance, and ask if the reporting party or next-of-kin should be notified of the person's location. However, the person cannot be forced to return home. (SOP 3085).

Comparison of Requirements for Atlanta Police Department and Requirements for Cleveland Division of Police

The APD and the Cleveland Division of Police (the "CPD") are subject to many similar requirements as related to missing person investigations, although there are a few distinct differences, as detailed below.

Georgia state law prohibits any waiting period before opening an investigation involving a missing person who has Alzheimer's disease or other mental illness involving dementia, while Ohio state law has no similar prohibition. Georgia state law also requires every law enforcement agency to immediately collect, classify, and preserve any information which would assist in the location of any missing person, while Ohio state law contains no similar requirement. However, Georgia state law does not provide a general definition for "missing person," instead leaving the definition to local law enforcement agencies, while Ohio state law defines a missing person as one who (1) has a physical or mental disability, (2) is missing under circumstances that indicate the person may be in danger, or (3) is missing under circumstances that indicate the disappearance was not voluntary.

The Georgia Administrative Code requires all law enforcement agencies to collect any available information, including physical descriptions, descriptions of clothing, dental charts, and fingerprints, about each person reported missing by a parent, guardian, or next of kin, while Ohio law contains no similar provision. The Georgia Administrative Code also requires that law enforcement agencies enter missing person reports into the NCIC database within 12 hours, while Ohio law requires entry within time periods that vary from immediately (for missing persons between the ages of 18 and 21) up to 30 days (for missing persons over the age of 21 when no foul play is suspected).

The APD's Department Policy defines a missing person as any person who is absent from or fails to reach his or her home, school, job, place of recreation, or some other location within a reasonable length of time, without a known or apparent reason. The CPD's Department Policy does not contain any definition of missing person, instead relying on the definition provided by Ohio state law. The APD's Department Policy also lists many locations and records that must be checked in order to locate the missing person, such as all metro Atlanta jails, hospitals, and

shelters, along with driver's license records, criminal histories, bank records, and cell phone records. In contrast, the CPD's Department Policy only requires the investigating officer to check internal units such as the Warrant and Report Intake/Review Units, along with the County Coroner's Office.


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date: August 15, 2009		APD.SOP.3085 Missing Persons
Applicable To: Sworn employees and communications employees		
Approval Authority: Chief Richard J. Pennington		
Signature: Signed by RJP		Date Signed: 8/18/09

Table of Content

1. PURPOSE	1.5. Dissemination of Information	6
2. POLICY	1.7. Child Abductions (AMBER ALERT)	8
3. RESPONSIBILITIES	1.8. Recovery of Missing Adults	8
4. ACTION	1.9. Involuntary Custody (OCGA 37-3-42)	9
4.1. Reporting and Classification	1.10. Recovery of Missing Juveniles	9
4.2. Missing Adult	2. DEFINITIONS	11
4.3. Missing Juvenile	3. CANCELLATIONS	11
4.4. Investigation Procedures	4. REFERENCES	11
	5.	

1. PURPOSE

The purpose of this SOP is to establish the policy and procedures for handling reports of missing adults and missing children.

2. POLICY

The Atlanta Police Department will investigate all reports of missing persons thoroughly, to include the careful recording and investigation of the factual circumstances surrounding the disappearance, and give particular attention in cases involving: missing children; persons who may be mentally and/or physically impaired; persons who are incapable of caring for themselves; and/or children or adults who are either unidentified or unidentifiable to determine if they are classified as missing.

Files on wanted, missing and unidentified persons are available through the National Crime Information Center (NCIC). When investigating cases of missing, abducted or unidentified children, officers will find the following NCIC resources to be of particular value: Wanted Person File (WPF), Missing Person File (MPF), Unidentified Person File (UPF) and the Off-Life Search Procedure.

3. RESPONSIBILITIES

3.1 The Communications Section call taker will collect and disseminate necessary information upon receiving a missing person call. (CALEA 5th ed. St. 41.2.6e)

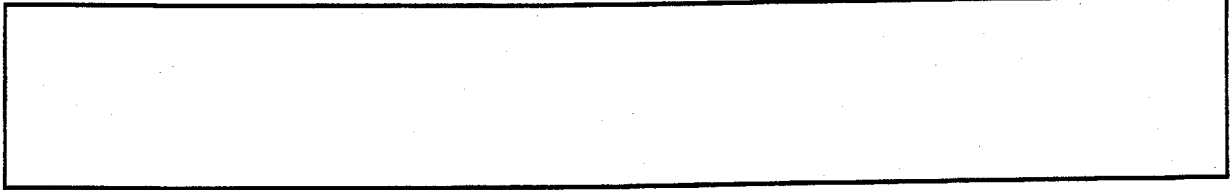
3.2 The responding field officers will assess the situation, notify a supervisor and begin efforts to locate the missing person. (CALEA 5th ed. St. 41.2.6e)

-
- 3.3 Field supervisors will ensure that the appropriate personnel are responding to the call for the level of response that the circumstances dictate. They will personally respond to the scene when required. (CALEA 5th ed. St. 41.2.6e)
 - 3.4 School Detectives will investigate children missing from public schools.
 - 3.5 Investigators will assist field officers and personally respond to the scene in certain situations. (CALEA 5th ed. St. 41.2.6e)

4. ACTION

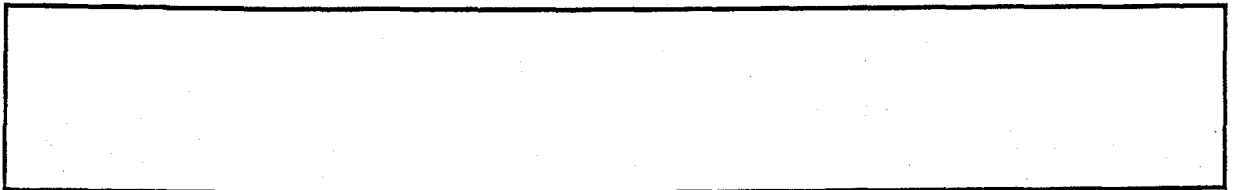
4.1 Reporting and Classification

- 4.1.1 Missing person reports involve individuals who voluntarily leave home for personal reasons; disappear for unexplained reasons or who may be considered at risk. The role of the initial responding officer is critical in identifying the circumstances surrounding missing persons and in identifying those cases when an individual may be in jeopardy.
- 4.1.2 There is no waiting period for reporting a missing person.
- 4.1.3 An individual may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the person's behavior patterns, plans, or routines.
- 4.1.4 Officers should be aware that they might encounter several types of missing-child cases, each with their own unique response requirements. They include:
 - 1. The **non-family abduction** in which a child is taken by an unknown individual, through force or persuasion, usually in furtherance of additional victimization.
 - 2. The **family abduction** in which, a non-custodial family member flees with a child, usually in direct violation of a court-ordered custody arrangement.
 - 3. The **runaway** child, most often a teenager, who leaves home voluntarily for a variety of reasons.
 - 4. The **lost or otherwise missing** child, who becomes separated from parents or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
 - 5. The **thrown-away** whose caretaker makes no effort to recover the child who has run away or who has been abandoned or deserted.
- 4.1.5 An officer will notify his or her supervisor of reports that satisfy one or more of the following criteria: (CALEA 5th ed. St. 41.2.6b)
 - 1. Information that the missing person may be the victim of foul play.
 - 2. Because of age (juvenile or elderly), the person may be unable to properly safeguard or care for him/herself.
 - 3. The person suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated or unattended



4. The person is a patient at a mental institution and is considered potentially dangerous to himself / herself or others.
 5. The person has demonstrated the potential for suicide.
 6. Reports of juveniles who have voluntarily left home (e.g., "runaways") should be classified as such only after thorough investigation.
- 4.1.6 911 call takers should attempt to obtain as much information as possible regarding the missing person with special attention to the above criteria. The call taker should obtain a complete physical description, including clothing the missing person was last seen wearing and broadcast a lookout on all radio frequencies. (CALEA 5th ed. St. 41.2.5f)
- 4.2 Missing Adult
- 4.2.1 Officers will immediately give the description of the adult and other pertinent information to communications for dissemination to all radio frequencies.
- 4.2.2 Officers will obtain as much information as possible concerning the whereabouts and description of the adult, including the circumstances surrounding the events related to the person's missing status. This information should be included in detail in the Incident Report.
- 4.2.3 Officers will immediately fax a copy of the report to the Homicide Unit and Central Records for entry into GCIC/NCIC system.
- 4.2.4 If a missing adult is suspected of being the victim of foul play or has some mental impairment or physical disability, the responding officer will immediately:
1. Notify a supervisor.
 2. Request assistance for a canvass of the area or possible locations where the adult might be.
 3. Notify Homicide investigators.
 4. Identify any witnesses who may have knowledge of the adult's whereabouts.
 5. Complete an incident report in detail.
 6. Obtain a photo of the adult, and forward it to the Homicide Unit along with a copy of the incident report.
 7. Advise the reporting person the phone number for the Homicide Unit (404-546-4235) so they can contact the Missing Person Investigator if they receive additional information.
- 4.3 Missing Juvenile
- 4.3.1 Officers will immediately notify a supervisor of all missing juveniles and give the description of the juvenile to Communications for dissemination to all radio frequencies.

-
- 4.3.2 Officers will obtain as much information as possible concerning the whereabouts and description of the juvenile, including the circumstances surrounding the events related to the child's missing status. This information should be included in detail in the incident report.
- 4.3.3 Officers should obtain a photo of the juvenile and the photo should be forwarded to the Special Victims Unit as soon as possible.
- 4.3.4 Officers will immediately fax a copy of the report to the Special Victims Unit and Central Records for entry in GCIC/NCIC system.
- 4.3.5 Anytime a juvenile is reported missing, a Special Victims Unit investigator will be notified.
- 4.3.6 If a missing juvenile is under the age of thirteen, or is suspected of being the victim of foul play or has some mental impairment or physical disability, the responding officer should immediately:
1. Notify a supervisor.
 2. Request assistance for a canvass of the area or possible locations where the child might be.
 3. Notify a Special Victims Unit investigator who will respond to the scene and assume overall responsibility for the investigation.
 4. Identify any witnesses who may have knowledge of the child's whereabouts.
 5. Obtain a photo of the child.
 6. Complete an incident report.
- 4.3.7 If a juvenile is reported missing either from school or fails to return home from school, the School Detective Unit will have the initial responsibility for the investigation. If the School Detective Investigators do not locate the child, Special Victims Unit will be contacted for assistance in the investigation.
1. If the initial investigation reveals that either the child was transported to the school or was present at the school but was not observed being transported home from school, the School Detectives will retain primary responsibility for the investigation, with assistance from the Special Victims Unit.
 2. If the child was transported from the school and properly delivered (to the correct bus stop or designated location) and then becomes missing, the Special Victims Unit will have primary responsibility for the investigation with assistance from the School Detectives.
- 4.3.8 The reporting officer will advise the parent or legal guardian to obtain a pick up order from the juvenile court when 45 days have elapsed since the missing persons report was filed or when there is reason to believe that the child has left the state.
- 4.4 Investigation Procedures
(CALEA 5th ed. St. 41.2.5a)
- 4.4.1 The responding officer will complete an incident report during the preliminary investigation to include the following information:



1. Name, age, sex, race and physical description of the victim and relationship of the reporting party to the missing person.
2. Time, date, and place of last known location and the identity of anyone accompanying the victim prior to their disappearance.
3. Indications of missing personal belongings, particularly money and other valuables.
4. The extent of any previously conducted search or inquiries.
5. Whether the victim has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits, or plans.
6. Whether the victim has been involved recently in domestic incidents; suffered emotional trauma or a life crisis; demonstrated unusual, uncharacteristic, or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness.
7. The current physical condition of the victim and whether the person is currently on prescription medication.
8. Any suggestions of foul play or accident.

- 4.4.2 If the missing person is a juvenile, information should be obtained concerning whether the child is or may be with an adult who could cause harm; may have been the subject of a parental abduction or stranger abduction; has previously run away from home, has threatened to do so, or has a history of other absences for extended periods of time as well as signs of an abusive home environment or dysfunctional family situation; and the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
- 4.4.3 A search will be organized and performed under the direction of the on-scene field supervisor when information is received that a victim may be in a given geographical area. (CALEA 5th ed. St. 41.2.5e)
- 4.4.4 Tracking dogs may be requested during a search of missing persons that are suspected to be a victim of foul play.
- 4.4.5 Some searches may require support from more than one public safety agency. Such operations will be coordinated between the field and CID supervisors.
- 4.4.6 When a small child is involved, there should always be a physical search, especially of the home and immediate area where the child lives or was last seen. The search should start at the last known location and spiral outward.
1. This search should be made even if the parent/guardian has already conducted a search.
 2. Search personnel should understand that small children might hide and refuse to answer when their names are called.

4.5 Dissemination of Information

- 4.5.1 Once an individual is classified as missing or as a runaway, the investigating officer will immediately provide the Communications Section with the individual's description, possible destination, vehicle data, last contact source, and other relevant information so that a "look-out" can be initiated. (CALEA 5th ed. St. 41.2.5b)
- 4.5.2 Detailed descriptive information is required for immediate notification of other law enforcement agencies and agencies such as the National Center for Missing and Exploited Children (NCMEC), First Innocent Images, Georgia Missing Children Center, Child Abuse Investigative Support Center and the Internet Crime Against Children. (CALEA 5th ed. St. 41.2.6c)
- 4.5.3 Decisions to use the local media to help locate the missing person will be made by the lead investigator, in consultation with the CID Commander.
- 4.5.4 Entry of Information into GCIC/NCIC (CALEA 5th ed. St. 41.2.5c)
1. The reporting officer will immediately hand-carry or fax the missing persons and runaway incident report that involves foul play, endangered persons, or juveniles to the Central Records Unit for entry into GCIC/NCIC.
 2. In all other cases involving missing adults, the reporting officer will bring or fax the report to the GCIC/NCIC operator prior to the end of his/her assigned shift of duty and notify the Homicide Unit.
 3. The GCIC/NCIC operator will distribute "be on-the-lookout" (BOLO) information as directed by the criminal investigator.
- 4.5.5 The "A Child is Missing" (ACIM) program is a potentially valuable resource.
1. An ACIM Alert will generate telephone calls to local residents within fifteen (15) minutes of initiation by law enforcement.
 2. When the decision to use ACIM has been made, the investigator will immediately call ACIM at 1-888-875-2246 (ACIM) or page the operator at 1-954-492-4778.
 3. Suggested calling times are from 7:00AM to 10:30PM. Calls can be placed after 10:30 PM (in all time zones) if extenuating circumstances exist and only with a supervisor's approval.
 4. The investigator will provide ACIM with the Communications Section phone number, (404) 614-6525, and will also contact the Communications Section to make them aware that ACIM has been involved in the search for the juvenile.
 5. If there is a confirmed sighting of the missing juvenile, the investigator will contact ACIM to update the location and any changes in appearance.
 6. When the missing person is found, the investigator will call ACIM to report the recovery. A "Case Follow-Up Report" will be faxed to the investigator by ACIM. The investigator will fill out the report and fax it back to A Child Is Missing at (954-763-4569).

4.6 Follow-up Investigation

4.6.1 Once an individual is classified as "missing," the case will be forwarded to CID for the appropriate follow-up investigation. (CALEA 5th ed. St. 41.2.6f)

4.6.2 The CID investigator that is assigned a "missing person" report will contact the reporting person immediately. (CALEA 5th ed. St. 41.2.5d).

4.6.3 The Special Victims Unit will conduct follow-up investigations concerning missing juveniles.

4.6.4 The Homicide Unit will conduct follow up investigations concerning missing adults.

4.7 Child Abductions (AMBER ALERT)

4.7.1 Levi's Call, Georgia's Amber Alert was established in January of 2002, as an investigative tool to assist local law enforcement agencies in the safe return of abducted children.

4.7.2 Levi's Call is a partnership between law enforcement agencies, the Georgia Emergency Management Agency and broadcasters to solicit the public's help in locating an abducted child before any harm occurs.

4.7.3 Before Levi's Call can be activated, the following "**Alert Criteria**" must be met: (CALEA 5th ed. St. 41.2.6d)

1. There must be a confirmed child abduction.
2. The circumstances surrounding the abduction must indicate that the child is in "imminent danger" of harm or death.
3. The child must be 17 years of age or younger.
4. There must be enough descriptive information to believe that an immediate broadcast alert will help.
5. The case must be entered into the National Crime Information Center (NCIC) database.

4.7.4 Activation will not be granted for family abductions where no danger exists to the child or for runaways. Exception may be given to juveniles with mental or physical disabilities who may be at greater risk because of their impairments. These cases should be evaluated on their own merit. Preliminary investigation must conclude whether a pattern of running away exists.

4.8 Recovery of Missing Adults

4.8.1 Competent adults, having left home for personal reasons, cannot be forced to return home. When such individuals are located, the officer will:

1. Advise them that they are the subject of a missing person's investigation
2. Question the missing adult to establish the circumstances surrounding their disappearance, and whether criminal activity was involved.
3. Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts.

4.8.2 Telephonic notification of recovered missing persons:

1. Whenever information is received telephonically that a missing person has returned to their home, the information must be verified.
2. A patrol car will be dispatched to the location of the recovered missing person to confirm the recovery, ascertain the facts/circumstances of the person's absence, and document the case closure on a Supplemental Report form.

4.8.3 In all cases when the missing person is located:

1. Contact will be made with all agencies previously informed of the case for assistance.
2. Appropriate follow-up action will be taken, such as the initiation of a family violence investigation or the issuance of criminal charges when necessary.
3. Notify Homicide Unit for adults and forward a copy of the recovery report.

4.8.4 Removal of information from GCIC/NCIC: The CID lead investigator or the GCIC/NCIC operator will remove any missing person information based upon receipt of written confirmation (i.e., Supplemental Report) that the individual has been located. A copy of the supplemental report will be forwarded to the Missing Person/Homicide Unit. (CALEA 5th ed. St. 41.2.5c)

4.9 Involuntary Custody (OCGA 37-3-42)

4.9.1 A missing adult may be taken into custody for involuntary medical treatment if the individual has committed any criminal offense and there is probable cause to believe the person is mentally ill. (See APD.SOP.3084 "Mentally Ill and Disabled Persons") Under such circumstances:

1. The adult will be transported to Grady Hospital's 13th floor for evaluation and treatment
2. Officers will complete the "Report of Peace Officer" form.
3. The officer does not have to initiate charges against the person.

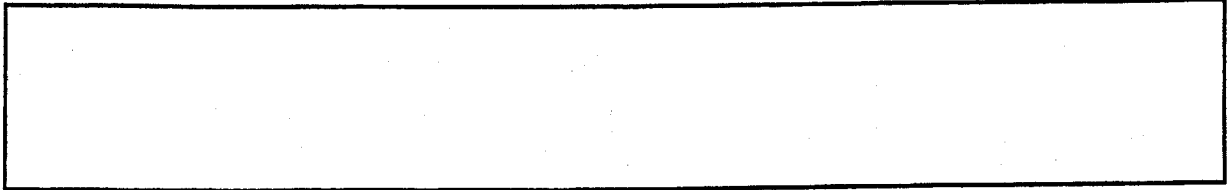
4.10 Recovery of Missing Juveniles

4.10.1 Officers who locate a juvenile who they suspect may be considered missing will contact ACIC radio to determine the missing status of the juvenile and notify SVU.

4.10.2 If ACIC confirms that the juvenile has been reported missing and the juvenile resides in Fulton County the officer will transport the juvenile to his or her residence and release the juvenile to the parent or guardian. If the parent or guardian is not available, the juvenile will be transported to the Fulton County Emergency Children's Shelter.

4.10.3 Officers locating juveniles, who reside in DeKalb County, outside the City limits of Atlanta will transport the juvenile to the DeKalb County line and request that a DeKalb County officer take custody of the juvenile.

4.10.4 Officers locating juveniles who reside in other counties will contact the appropriate police agency and arrange for transportation. The juvenile will stay in the officer's custody until transportation

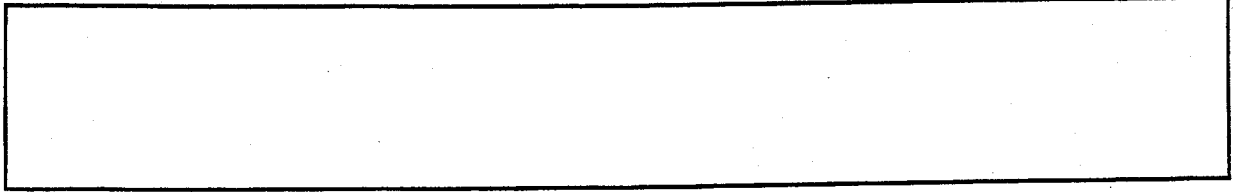


is arranged and the juvenile is turned over to the transporting agency or the juvenile's parent or guardian.

- 4.10.5 If officers are unable to arrange for the child to be transported to another agency or a guardian, the child will be taken to the Fulton County Emergency Children's Shelter.
- 4.10.6 Officers will immediately take a juvenile into protective custody when a child is located and is unable to provide information regarding their guardian's location or residence or whenever there is reason to believe the child is in danger because of their present environment; if the child requires medical attention; and/or if the child has been a victim of any form of abuse or neglect either prior to, or during their period of absence.
- 4.10.7 When in protective custody, appropriate medical care will be obtained if required **OR** the child will be brought to the Special Victims Unit for necessary follow-up investigative action.
- 4.10.8 All children taken into custody that are under the age of four will be taken to Hughes Spalding Hospital for a wellness check. DFACS should be notified and requested to meet the officer at the hospital to take the child into custody. Officers should ask the DFACS Intake officer for a "One hour response."
- 4.10.9 Missing juveniles (not requiring protective custody): In cases involving missing juveniles, officers will detain the child until he/she can be released to proper authorities and:
 - 1. Make available appropriate medical attention if required.
 - 2. Determine whether other individuals may be criminally responsible and/or whether an abusive or negligent home environment was a contributing factor.
 - 3. Notify parents, guardians, or reporting parties (unless they are the suspected cause of the abuse or neglect).
 - 4. In all cases, the Special Victims Unit will be notified including, runaway recovery cases.
 - 5. DFACS will be notified in all abuse or neglect cases.
- 4.10.10 Removal of information from GCIC/NCIC: The CID lead investigator or the GCIC/NCIC operator will remove any missing juvenile or runaway information based upon receipt of written confirmation (i.e., Supplemental Report) that the individual has been located. A copy of the supplemental report will be forwarded to the Special Victims Unit. (CALEA 5th ed. St. 41.2.5c)

5. DEFINITIONS

- 5.1 **FAMILY ABDUCTION:** A non-custodial family member flees with a child, usually in direct violation of a court ordered custody arrangement.
- 5.2 **LOST or OTHERWISE MISSING:** A child who becomes separated from parents or caretakers under circumstances not indicating the likelihood of an abduction or voluntary absence.
- 5.3 **MISSING PERSON:** Any person who is absent from or fails to reach his or her home, school, job, place of recreation, or some other location within a reasonable length of time, without a known or apparent reason; or any patient of a hospital, clinic, nursing home, or mental institution that leaves without the permission or knowledge of those in charge.



5.4 NON-FAMILY ABDUCTION: An unknown individual takes a child through force or persuasion, usually in furtherance of additional victimization.

5.5 RUNAWAY: Most often a teenager, who leaves home voluntarily for a variety of reasons.

5.6 THROWN-AWAY: A child whose caretaker makes no effort to recover the child who has run away, or who has been abandoned or deserted.

6. CANCELLATIONS

APD.SOP.3085 "Missing Persons", revised November 19, 2004.

7. REFERENCES

Commission on Accreditation for Law Enforcement Agencies (CALEA) 5th Ed. Standards 41.2.5 a-f and 41.2.6 a-f.


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date July 1, 2007		APD.SOP.5040 Homicide Unit
Applicable To: Division and section commanders and employees assigned to Homicide Unit		
Approval Authority: Chief Richard J. Pennington		
Signature: Signed by RJP		Date Signed: 7/2/07

Table of Contents

1.	PURPOSE	1	4.6	Adult Missing Persons Mentally Competent	6
2.	POLICY	1	4.7	Adult Missing Persons not Mentally Competent	7
3.	RESPONSIBILITIES	1	4.7.6	Mattie's Call Alert Criteria:	8
4.	ACTION	2	4.8	Officer Involved Shooting Scene	9
4.1	Unit Commander	2	4.9	HOIST (Homicide's Officer Involved Shooting Team)	11
4.2	Watch Supervisors	2	5.	DEFINITIONS	12
4.3	Investigators	3	6.	CANCELLATIONS	13
4.4	Audits	6	7.	REFERENCES	13
4.5	Cold Cases	6			

1. PURPOSE

This directive identifies the responsibilities and investigative processes of the Homicide Unit, including the Adult Missing Persons Squad and HOIST (Homicide's Officer Involved Shooting Team).

2. POLICY

The Atlanta Police Department will conduct comprehensive homicide, adult missing persons, and officer involved shooting investigations in an efficient and effective manner.

3. RESPONSIBILITIES

3.1 The Major Crimes Section commander is responsible for randomly auditing open and closed Homicide Unit case files to ensure the highest professional standards are maintained on all investigations.

3.2 The Homicide Unit commander is responsible for the administration of the unit and will maintain a close liaison with other investigative units and other law enforcement agencies, to ensure that vital information is exchanged, and investigations are coordinated when necessary. The Unit commander will ensure that information is being distributed between the different watches, and the Section and Division commanders are updated on key investigations.

3.3 The Homicide Unit supervisors will respond to all scenes involving a possible homicide. The supervisor is responsible for ensuring the crime scene is secure, overseeing the collection of evidence, and communicating with the lead investigator to resolve any issues that may arise. The supervisor on scene will notify the Unit commander, the Section commander, and appropriate members of the command staff. The watch supervisor is also responsible for overseeing and reviewing the case files and ongoing investigations.



- 3.4 All Homicide Investigators are responsible for responding to homicide scenes, completing homicide investigations and case files, interviewing witnesses and suspects, and initiating the arrest procedures. Homicide Investigators will cooperate with and assist prosecuting attorneys, and attend all required court proceedings.
4. ACTION
- 4.1 Unit Commander
- 4.1.1 The Unit commander will continuously review every open homicide case file, and at the 60 day mark will formally sign off on the file. During the reviews, the Unit commander will ensure the appropriate paperwork is in the file, including all paperwork listed in APD.SOP.5010 "Criminal Investigations Division" and that the watch supervisor has noted any corrections or additional investigations that need to be completed on the file. The Unit commander will review and sign off on all homicide case files when they are closed.
- 4.2 Watch Supervisors
- 4.2.1 A Homicide supervisor will respond to the scene of all homicides. The Homicide supervisor will oversee the crime scene, and will be responsible for notifying appropriate personnel regarding the incident.
- 4.2.2 A Homicide supervisor will review and sign off on each open master file at 7-day, 21-day, 60-day, 90-day, 6-month, and 1-year intervals from the date of the homicide, and when each file is closed.
- 4.2.3 The supervisor will ensure the appropriate paperwork is in the file, and all leads are being pursued. The supervisor will note any corrections that need to be made, and list any additional interviews or follow-up investigations that need to be completed by the assigned investigator on the Supervisor Case Review Checklist (Form APD-380).
- 4.2.4 Supervisors will assign cases on a rotating basis; in cases needing particular expertise, supervisors may assign specific investigators outside the normal rotation.
- 4.2.5 The release of information to the news media will be in accordance with APD.SOP.1060 "Public Affairs". When at a crime scene, the watch supervisor will decide what information is to be released to the media. The watch supervisor, or a higher-ranking officer, will be the designee to release the information to the media at the scene. Follow-up or in depth media inquiries should be referred to the Public Affairs Unit.
- 4.3 Investigators
- 4.3.1 The Homicide Unit will investigate all cases of homicide or life threatening injuries that would become a homicide if the victim expired. A Homicide investigator will respond to all instances of Law Enforcement involved shootings, including: when an officer is shot, regardless of the severity of the injuries. A Homicide investigator will respond to all instances where an officer is the victim of an aggravated assault with serious injury. The Homicide Unit will also investigate adult missing person cases, death in custody cases, and kidnappings where a demand for ransom has been made, or if the violence shown indicates that the victim's life is in imminent danger and the victim has not yet been located. The Homicide Unit will handle all child-kidnapping cases, with the exception of interference with custody disputes.



- 4.3.2 When an investigator in the Homicide Unit is required to respond to the scene, he or she will assess the scene, gather information (according to APD.SOP.3081 "Crime Scene Investigations"), and determine if the crime is a possible homicide. If the victim is stable, or if the elements of the crime do not appear to be a homicide, the investigator will notify the zone officer or appropriate investigative unit to take over the scene. If the crime is a possible homicide, or if an Atlanta police officer is involved in the shooting, the Homicide Investigator will take over the crime scene and will:
1. Ensure the crime scene is secure;
 2. Debrief the responding officer and direct him or her to assist as needed;
 3. Identify, separate and secure if necessary, witnesses and suspects;
 4. Ensure a homicide investigator responds to the hospital where the victim was transported, if applicable;
 5. Begin the crime scene log, or take over the crime scene log from the responding officer;
 6. Call for an Identification Technician;
 7. Notify the Fulton/DeKalb/Clayton County Medical Examiner's Office;
 8. Notify the Georgia Bureau of Investigations office, if necessary;
 9. Oversee and direct the Identification Unit Technician in the gathering, cataloging, and preserving all of the evidence;
 10. Canvass the area for witnesses and additional evidence;
 11. Obtain statements from witnesses and officers; and
 12. Notify the Fulton/DeKalb/Clayton County District Attorney's Office, as appropriate.
- 4.3.3 Before the end of the tour of duty, the lead Investigator will complete and submit an incident report (Form APD-001), and enter the information into the Homicide Data Book. He or she will also collect all of the statements and other pertinent paperwork and begin a master file and a working file of the incident. The master file will remain in the Homicide File Room. The investigator is responsible for maintaining and updating the master Homicide file.
- 4.3.4 Within 48 hours of being assigned to the case, the investigator will have in the master Homicide file:
1. The Homicide cover sheet;
 2. A synopsis or summary of the Investigation (Form APD-308);
 3. All related police incident reports;
 4. All completed statements of witnesses, suspects, officers, etc.;
 5. Any other relevant documents; and



6. Any arrest/search warrants applicable to the investigation.

4.3.5 A Homicide investigator will review appropriate 911 tapes for calls regarding each incident to ensure all of the information that was given to the operator is known, and all potential witnesses have been located.

4.3.6 If any video or audio recordings become part of an investigative file, a copy of the recording will be made, and the copy will be stored in the Homicide file room. The recording will be labeled with the case number, a brief description of what the recording contains, and victim information. The master recording will be turned into Property Control as evidence. A brief synopsis of all video or audio recordings will be included in the SUMMARY section of the homicide investigative file. When possible, the Homicide investigator will transcribe all, or all of the relevant portions, of the recording.

4.3.7 When the homicide file is closed, or when the file becomes inactive because all leads and investigative options have been exhausted, the master file will contain the following items (if applicable) listed in the following order:

1. Homicide cover sheet;
2. Summary of the investigation (Form APD-308);
3. Copies of all related police incident reports;
4. Lead investigator's summary/supplements, including a synopsis of the witnesses' statements;
5. Other investigator's supplements;
6. Crime scene sketch;
7. All statements;
8. Weapon diagram (Forms APD-375 and 376);
9. Body diagram (Form APD-377);
10. Crime lab reports;
11. Autopsy report;
12. Crime scene / witness canvass log;
13. Criminal history log (victim and defendant);
14. Warrants (search and arrest);
15. Arrest and clear up reports;
16. All receipts (vehicle impounds, property);
17. Crime scene photographs and notes; and



18. Other relevant documents.

- 4.3.8 When a file is completed and closed, the file will be submitted to the watch commander for reviewing.
- 4.3.9 When a suspect is identified, and an arrest warrant is obtained, the investigator will notify the Fulton County Complaint Room or the DeKalb County Prosecuting Attorney's Office, and present them with a copy of the warrant and other pertinent investigative documents. A complete warrant package will be submitted to the Fugitive Unit and the warrant will be flagged in the Identification Unit as soon as the warrant is obtained.
- 4.3.10 When an arrest is made, the Homicide investigator will follow the procedures for the Fulton County Complaint Room or the DeKalb/Clayton County Prosecuting Attorney's Office, prepare and submit the required documents, and will have the suspect transported to the appropriate detention facility. The Homicide investigator will go to the Identification Unit and have the original warrant pulled and cleared from the NCIC system as mandated by GCIC/NCIC policies and procedures. Unless excused by the prosecuting attorney on the case, the investigator will attend all court proceedings according to APD.SOP.3160 "Court Responsibilities."
- 4.3.11 The Homicide investigator will complete a Violent Criminal Apprehension Program (VICAP) booklet, when applicable, within 60 days of the homicide and submit it to the Homicide Crime Analyst.
- 4.3.12 All property that is turned into the Property Control Unit as evidence from a homicide scene will remain in Property indefinitely. The property is not to be released or destroyed so it will be available for court, the appeals process, or cold case investigations in the future.
- 4.4 Audits
 - 4.4.1 When a Homicide investigative file is closed, the file will be reviewed by the watch supervisor for completeness and forwarded to the Unit commander.
 - 4.4.2 The Section commander will audit open and closed Homicide files, using the Homicide File Audit Checklist. The Section commander will audit all files for quality, completeness and to ensure all possible leads have been exhausted.
- 4.5 Cold Cases

Two Atlanta Police Homicide investigators are assigned to the Fulton County Multi-Agency Cold Case Unit to investigate cold cases. Cold Case investigators work under the supervision of the Fulton County District Attorney under a Memorandum of Understanding, effective January 5, 2004. (CALEA 42.2.9 5th Edition Standard)

4.6 Adult Missing Persons Mentally Competent

- 4.6.1 The Adult Missing Persons Squad will handle all adult missing persons cases. An Adult Missing Persons investigator will respond to the scene of any adult missing person where there is evidence of foul play.
- 4.6.2 When an Adult Missing Persons investigator receives a missing person report, the investigator will contact the reporting person to determine if the missing adult is competent, if the person left voluntarily, and the possible reasons for the disappearance. The investigator will also ensure a



full description of the missing person, and any other pertinent information has been included in the report.

4.6.3 In an attempt to locate the missing adult, the Adult Missing Persons Investigator will do the following:

1. Ensure a lookout of the person has been given over the radio.
2. Check all metro Atlanta jails (City of Atlanta, Fulton County, DeKalb County, etc.).
3. Check all metro Hospitals (Grady, Atlanta Medical, and Crawford Long, etc.).
4. Check day and night shelters, if circumstances dictate.
5. Check driver's license records, and criminal histories.
6. Check last known location where missing person was observed.
7. Interview employers, co-workers, and neighbors if circumstances dictate.
8. Check all credit cards, debit cards and/or bank account activity, and
9. Obtain cellular phone records if circumstances dictate.

4.6.4 Whenever a competent adult who has been reported missing is located, the reporting officer or investigator will confirm the missing person through AGIC to ensure the entry is cleared as mandated by GCIC/NCIC policies and procedures. The reporting officer or investigator will tell the person that he or she has been reported missing, and that he or she should contact their relative or spouse. The officer or investigator will notify the reporting party, GCIC and the Homicide Unit.

4.6.5 Whenever an adult missing person who was reported missing from Atlanta has been located in another jurisdiction, a copy of the located person's tele-type will be placed in the case file, and the case will be closed according to APD SOP 5010, Criminal Investigations Division policy.

4.7 Adult Missing Persons not Mentally Competent

4.7.1 Communications, or the responding officer will immediately notify The Adult Missing Persons Squad, or, if not available, the Homicide Unit when a missing persons case involving an adult person with Alzheimer's, dementia, or other mentally disabling conditions is reported.

4.7.2 A uniformed officer will be immediately dispatched to the scene, if not already present.

4.7.3 The uniformed officer will ascertain as much information about the missing person, and the events surrounding their disappearance, as possible. This information will include, but will not be limited to: detailed description of the missing person; description of the missing person's clothing; how long the person has been missing; where the person was last seen; mental condition; if the person has ever wandered away before and where they were found and contact information for the reporting person and the caregiver.

4.7.4 The uniformed officer will immediately contact the Adult Missing Persons Squad, or, if not available, the Homicide Unit, with this information.

Atlanta Police Department Policy Manual

APD.SOP.5040
Homicide Unit



- 4.7.5 The Atlanta Police Department will implement and issue an urgent bulletin, "Matti's Call," in a missing persons case involving an adult person with Alzheimer's, dementia, or other mentally disabling conditions is reported, and the missing person meets the established criteria. The Adult Missing Persons Investigator or Homicide Investigator, if applicable, will review all of the available information with an Adult Missing Persons/Homicide supervisor to determine if the circumstances exist to justify the activation of a "Matti's Call."
- 4.7.6 **Matti's Call Alert Criteria**
1. There must be a confirmed adult missing person.
 2. The missing person must be an adult 17 years of age or older.
 3. The missing person must have Alzheimer's, dementia, or other mentally disabling conditions that would impair the person from returning safely without assistance.
 4. There must be enough descriptive information to believe that an immediate broadcast alert will help recover the missing adult.
 5. Request for activation must be made as soon as possible after the missing adult is reported. (Within four hours from when the adult was last seen is ideal.)
 6. The case must be entered into the National Crime Information Center (NCIC) database.
 7. At the discretion of the Homicide Unit commander or his/her designee.
- 4.7.7 If the person does not meet the criteria, the reporting officer will complete the report and forward the report to Central Records immediately so the missing person can be entered into the NCIC system as prescribed by GCIC/NCIC policies and procedures. A copy of the report will be faxed to the Adult Missing Person Squad.
- 4.7.8 If the person does meet the criteria, the Homicide supervisor will fill out part one of a "Matti's Call" Information Sheet (Form APD-374), which will list all provided information on the missing person. The supervisor will then fill in part two of the sheet, showing that the missing person meets the criteria, authorizing the activation of a "Matti's Call," and sign it.
- 4.7.9 The Homicide supervisor will notify a Communications supervisor that a "Matti's Call" needs to be activated. The Homicide supervisor will provide the Communications supervisor, either by hand, by email, or by fax, the completed parts one and two of a "Matti's Call" information sheet on the missing person. Communications is responsible for activating the alert, including disseminating the information to all of the agencies listed in Atlanta Code Section 98-3 "Matti's Call."
- 4.7.10 A contact number for Communications will be included in the alert. Information and leads received in Communications regarding the missing person will be immediately forwarded to The Adult Missing Persons Squad via phone or radio. The Adult Missing Persons Investigator will record all leads on a lead sheet, along with what action was taken on each lead.
- 4.7.11 Communications will broadcast the lookout over all Atlanta Police radio channels every hour for twenty-four hours, or until the alert is cancelled.

Atlanta Police Department Policy Manual

APD.SOP.5040
Homicide Unit



- 4.7.12 An Adult Missing Persons Investigator will respond to the scene. Available discretionary units will be requested to respond in the area to assist in a coordinated search.
- 4.7.13 Whenever an incompetent adult who has been reported missing is located, the reporting officer or investigator will confirm the missing person through AGIC to insure the entry is cleared as mandated by GCIC/NCIC policies and procedures. The responding officer or investigator will transport the person to the Grady Hospital Psychological Clinic, if needed. The officer or investigator will notify GCIC, the reporting party and the Homicide Unit.
- 4.7.14 After the missing person has been located, and the alert has been cancelled, a Homicide supervisor will fill out part three of the "Muttie's Call" Information Sheet. A copy of all lead sheets, the original incident report, and all supplements will be stapled to the completed information sheet and given to the Adult Missing Persons Investigator. The Adult Missing Persons Investigator will complete a supplement and a GCIC/NCIC Clear/Cancel Form (APD-427) and deliver it to Central Records where the subject will be cleared from the NCIC system as mandated by GCIC/NCIC policies and procedures.
- 4.7.15 All completed Information Sheets will be reviewed and signed by the Unit commander and the Section commander.
- 4.7.16 All "Muttie's Call" Information Sheets will be kept on file for a minimum of five years.
- 4.8 Officer Involved Shooting Scene
- 4.8.1 All employees will immediately report the discharge of a firearm to an on duty supervisor in the appropriate zone of occurrence.
- 4.8.2 Officer safety is paramount in any officer involved shooting incident. Nothing in this policy will preclude an officer from taking reasonable actions to ensure the safety of the scene as well as the safety of the officers or public at large.
- 4.8.3 Whenever the discharge of a firearm results in the physical injury or death of another, the on-duty zone supervisor will immediately notify the Communications Section of the incident, request the on duty Homicide Units, the Identification Unit, the Office of Professional Standards (OPS), and respond to the scene. The zone supervisor will take control of the scene until relieved by a Homicide unit to ensure that the crime scene is secure, a crime scene log has been started, and all witnesses, (including officers) remain at the scene and separated.
- 4.8.4 When the initial incident is stabilized and the scene is safe, the officer(s) involved in the discharge of their firearm will do the following:
1. De-cock, holster, and snap in his/her firearm. The magazine should not be removed and the weapon should not be reloaded, or altered, in any way. Thereafter, the weapon is not to be removed from the holster until directed to do so by a Homicide or HOIST member. In cases involving shotguns and /or long rifles used by officers, the weapon will be placed on "safe" and isolated in a secure location.
 2. Request Emergency Medical Services for any injured person.
 3. If the involved officer is injured, the first responding officer will ensure that minimal disruption of the scene occurs during medical treatment.



4. No items, including: weapons, radios, O.C. spray, batons, etc. should be removed, collected or altered from their original resting place unless a safety concern is present. If there is a safety concern, clearly document where any item was moved and by whom in a formal statement.
 5. Any weapon handled by responding officers will remain in the custody of the officer who first took possession of said weapon until it is turned over to a HOIST member. This is to include extra weapons, gun belts, and any magazines.
 6. If the officer is transported to a hospital, the person who takes control of the officer's weapon and equipment at the scene will remain there until debriefed by a HOIST member.
 7. The first responding officer, and all officers involved in the incident who are not injured will remain at the scene until relieved by a HOIST member.
- 4.8.5 After the scene is safe, protect the crime scene and preserve all evidence. Prior to the arrival of HOIST, no individuals will be permitted to enter into the scene except to perform emergency medical assistance or assist in the preservation of the scene. This includes all other police officers and supervisors, with the exception of Homicide investigators. Anyone who enters the scene for any reason will be identified and noted on a crime scene log for HOIST.
- 4.8.6 The involved officer(s) will make no detailed statements of the incident surrounding the shooting until a Homicide unit arrives. However, the involved officer(s) may be debriefed by a responding supervisor to assist in collecting information that may aid in the preservation of any evidence or the identification or capturing of any suspects, to include: the description of the suspect, direction of travel, possible suspect weapons, etc.
- 4.8.7 Keep any and all witnesses at the scene, and request that they do not discuss the incident with each other. Immediately obtain his/her name, address, date of birth, and verified phone number, and separate them as much as possible.
- 4.8.8 The on duty supervisor will coordinate with the HOIST supervisor on the transport of anyone who needs to be interviewed at the Homicide office.
- 4.8.9 Involved officers will be treated with dignity and respect, and be afforded all rights applicable by written directive and the law.
- 4.9 HOIST (Homicide's Officer Involved Shooting Team)
- 4.9.1 Whenever there is an officer-involved shooting which has resulted in the physical injury or death of another; an in-custody severe injury (paralysis, comas, etc.) and death; or officer shot in the line of duty, The Atlanta Police Department will utilize HOIST to respond immediately to the scene to conduct a timely, complete, and comprehensive criminal investigation of the incident.
- 4.9.2 The first Homicide unit that responds to the scene will verify the officer involved shooting, and ensure that the HOIST supervisor or team member in charge has been notified.
- 4.9.3 The on-duty zone investigative unit supervisor and investigators will also respond to the scene to assist the HOIST and Homicide units. If the incident occurs during Morning Watch hours, the on-duty General Investigations supervisor and investigators will respond to the scene. They will remain on the scene until relieved by the HOIST supervisor.



- 4.9.4 The Homicide supervisor(s) and investigators on duty will immediately respond to the scene of any officer involved shooting, ensure that scene integrity is established and maintained, and remain for investigative support of HOIST.
- 4.9.5 The lead HOIST investigator will start to the scene, noting the date, time and name of person requesting their response. He/she will make notification via Detective Radio that they are monitoring radio traffic for any updates on the incident and provide an estimated time of arrival to the scene.
- 4.9.6 The HOIST Supervisor, and other HOIST members that are responding, will start to the scene, providing an estimated time of arrival via Detective Radio.
- 4.9.7 The first HOIST member that arrives at the scene will assume responsibility of the scene, and direct other on duty personnel as needed.
- 4.9.8 An on-duty zone supervisor will remain on the scene to provide HOIST and the Homicide unit the support necessary to complete the crime scene investigation. The on-duty zone supervisor will ensure adequate personnel remain at the scene for security and crowd control, until relieved by the HOIST supervisor.
- 4.9.9 A HOIST or Homicide investigator will oversee and direct the Identification Unit Technician in the photographing, gathering, cataloging, and preserving of all evidence. At the discretion of the HOIST supervisor, the Georgia Bureau of Investigations Crime Scene Unit may be contacted to assist in the processing of the scene.
- 4.9.10 The responding HOIST or Homicide supervisor will ensure that the following is done:
1. OPS instructed the chain of command to initiate the Force Usage Review Assignment (FURA) according to APD.SOP.2020;
 2. OPS notified the Bureau of Employee Assistance Services (BEAS);
 3. Fulton, DeKalb, or Clayton County District Attorney's Office has been notified of the incident;
 4. Fulton, DeKalb, or Clayton County Medical Examiner's Office has been notified, if applicable;
 5. The Homicide commander has been notified; and
 6. The Communications Section has notified the Command Staff.
- 4.9.11 The originating zone or unit will complete all incident reports, arrest tickets, and arrest reports for unrelated charges utilizing the same incident number of the police shooting if they are not using an original incident number. The originating zone or unit will submit their reports to Central Records and provide HOIST with copies of all related documents.
- 4.9.12 The HOIST investigator will manage his/her investigation in accordance with Section 4.3 of this Directive.
- 4.9.13 When the HOIST file is closed, or when the file becomes inactive because all leads and investigative options have been exhausted, the master file will be completed as specified in Section 4.3.7 of this Directive.



- 4.9.14 When a file is completed, the lead Investigator will submit it to the HOIST supervisor for review and approval. If approved, the HOIST supervisor will sign a Homicide File Review Coversheet and attach it to the file. The file will then be submitted to the Unit commander, the Major Crimes commander, and the Division commander for their approval and signature. When the file has been approved by the chain of command and returned, all of the pages in the file will be serialized. The Review Coversheet will remain in the master file.
- 4.9.15 Three copies of the complete file will be made. A Police Shooting/Death in Custody Distribution form will be filled out. A copy of the file will be distributed to the Office of Professional Standards, the Fulton/DeKalb /Clayton County District Attorney's Office, and the City Attorney's Office. A representative from each of these offices will sign and date the Distribution Form. The Distribution form will remain in the master file. The master file will be housed in Homicide's master file room until transferred to the Central Records Unit.

5. DEFINITIONS

- 5.1 Adult Missing Person: Any person who is seventeen years of age or older, who is absent from or fails to reach his or her home, school, job, place of recreation, or some other location within a reasonable length of time, without a known or apparent reason; or any patient of a hospital, clinic, nursing home, or mental institution who leaves without the permission or knowledge of those in charge.
- 5.2 Cold Case: An open homicide case that is more than three years old from the date of the homicide that is inactive because all investigative leads have been exhausted. (CALEA 42.2.9a)
- 5.3 Homicide's Officer Involved Shooting Team (HOIST): HOIST will consist of a Homicide supervisor and Homicide investigators who are specially trained in investigating officer-involved shooting, and death of a suspect in custody cases.
- 5.4 Mattie's Call: An alert bulletin implemented by the Atlanta Police Department when a missing persons case involving an adult person with Alzheimer's, dementia, or other mentally disabling conditions is reported, and the missing person meets the established criteria.

6. CANCELLATIONS

APD.SOP.5040 "Homicide Unit" issued November 1, 2004

7. REFERENCES

APD.SOP.1060 "Public Affairs"
APD.SOP.3081 "Crime Scene Investigations"
APD.SOP.3086 "Project Lifesaver Atlanta"
APD.SOP.5010 "Criminal Investigations Division"
Atlanta Code Section 98-3. "Mattie's Call"
CALEA 5th Edition standard 42.2.9
Form APD-308 Summary of Investigation
Form APD-374 "Mattie's Call" Information Sheet
Form APD-375 Firearm Chamber/Cylinder Diagram
Form APD-376 Firearm Magazine/Clip Diagram
Form APD-377 Body Diagram
Form APD-380 Homicide Unit Supervisor's Review Checklist



Form APD-381 Homicide File Audit Checklist

Atlanta Police Department Organizational Chart

Office of the Chief

Chief of Staff

- Public Affairs Unit
 - GLBT Liason
- Chaplaincy Unit
- Staff Inspections Section
 - Extra Jobs Unit
 - Staff Inspections Unit
 - Atlanta Retired Police Reserve
- Hispanic Liaison
- Planning & Research / Accreditation

Office of Professional Standards

Police Operations Bureau

Field Operations Division

- Night Commander
- Crime Analysis Unit
- Community Services Unit
- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Zone 5
- Zone 6
- Airport Precinct
- Special Operations Section
 - DUI Task Force
 - Helicopter Unit
 - Mounted Patrol
 - Special Weapons and Tactics

Criminal Investigations Division

- Executive Protection
- Major Crimes Section
 - Homicide Unit
 - General Investigations
 - Special Victims Crimes Unit
 - Fugitive Unit
 - Regional Fugitive Task Force
- School Detectives
- Central Investigations
 - Commercial Robbery Unit
 - Auto Theft Task Force
 - Major Fraud Unit
 - Pawn Desk

Special Enforcement Section

Homeland Security

Cyber Crimes Unit

Gangs and Guns Squad

Intelligence Squad

Electronic Surveillance Unit

Red Dog Unit

High Intensity Drug Trafficking Area

Narcotics Enforcement Unit

Financial Investigations Unit

Weed & Seed Unit

Centralized Narcotics Unit

Project Safe Neighborhood

License and Permits

Vice Unit

Human Trafficking

Support Services Division

Corporate Services Section

Financial Management

Property Control

Fleet Management

Information Services Section

Central Records

Audit & Compliance

Identification Unit

Communications Section

911 Communications Center

Validation Unit

Electronic Maintenance Unit

Communications Training Unit

Human Resources Section

Personnel Services

Recruitment

Training Academy

Division of Taxicabs & Vehicles for Hire

EXECUTIVE SUMMARY

Austin, Texas – Requirements Related to Missing Persons

Introduction

The Austin Police Department (“APD”) is subject to three sources of authority related to missing persons. The first source is the Texas state missing person requirements (“Statutory Requirements”). The other two sources are internal policies of the APD; the APD General Orders, Policies and Procedures, Doc. B209 and the APD Missing Persons Unit Standard Operating Procedure (collectively the “Department Policy”).

State Law Requirements

The Statutory Requirements require the APD to prepare missing person reports and initiate investigations for missing persons. Under the Statutory Requirements officers are required to obtain executed releases for medical and dental records and must notify appropriate persons of the opportunity to provide voluntary DNA samples. When applicable, the APD is required to collect and transport the DNA samples to the University of North Texas Health Science Center at Fort Worth for processing. The Statutory Requirements require the APD to investigate all potential matches of missing persons and unidentified bodies. The APD is also required to immediately enter investigatory information into the Department of Public Safety Missing Persons Information Clearinghouse, the Alzheimer’s Association Safe Return Program, and the National Crime Information Center (“NCIC”).

Local Requirements

Department Policy outlines the procedure for when first responding officers must contact the APD Missing Persons Unit (“MPU”) and includes the procedure for contacting MPU detectives after hours. The Department Policy provides two title codes to be used for categorizing and prioritizing missing person reports. A “Request to Locate” title code is used when the person missing is an adult and there is no reason to believe the person is in danger or left involuntarily. A “Missing Adult” title code is used when the person may have left involuntarily or may be in danger. The Department Policy also includes the procedure for assigning MPU detectives to missing person cases. Department Policy further provides guidelines for investigating missing persons, collecting and preserving evidence, entering information into NCIC and into the Texas Crime Information Center, a statewide database, and managing all case records. Additionally, Department Policy includes the criteria for selecting detectives to the MPU.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Comparison of Requirements for Austin Police Department and Requirements for Cleveland Division of Police

Overall the APD and the Cleveland Division of Police ("CPD") are subject to similar missing person investigative requirements; although in Texas, the Statutory Requirements and Department Procedures are more comprehensive.

At the state level, the Statutory Requirements subject the APD to different requirements as compared to the CPD. The Statutory Requirements mandate the creation of a Texas state clearinghouse for all missing person reports. The APD is required to cooperate with the clearinghouse by providing the clearinghouse with information on all missing persons and unidentified bodies. The Statutory Requirements also require the University of North Texas Health Center at Fort Worth to maintain a DNA database for high-risk missing persons and unidentified human remains. The APD is required to obtain and transport DNA samples to the University.

At a local level, APD Department Policy is significantly different than CPD policy. The most notable difference is the existence of a specialized investigative unit for missing persons (the "MPU"). The MPU requires that a detective be on-call at all times. The MPU Sergeant has full discretion in selecting MPU detectives and is not required to make any selection based solely on seniority. The MPU is subject to an annual inspection and is required to manage records according to Department Policy. With regard to investigative procedures, the MPU follows the same procedure for missing children and missing adults in danger. The MPU also investigates missing persons who left voluntarily and who are not endangered. The MPU is required to obtain a written statement from the complainant that a missing adult is in danger prior to initiating a search. When conducting a search, the MPU must contact volunteer search and rescue teams. Additionally, Department Policy provides procedures for investigating missing persons with active arrest warrants. Lastly, Department Policy allows the use of polygraphs as an investigative tool.

SUMMARY

Austin, Texas – Requirements Related to Missing Persons

Austin is the capital of Texas and home to approximately 757,688 people. U.S. Census Bureau estimate from July 1, 2008. The Austin Police Department (“APD”) employs approximately 1,466 police officers. Crime in the United States 2008. The Austin Missing Persons Unit (“MPU”) currently has two detectives, one sergeant, and one administrator. The MPU is within the Violent Crimes Division of the APD. The table below demonstrates the number of missing adult reports made in recent years:

Year	Number of Missing Adult	Clearance Rate for all
	Reports	Missing Person Reports (Adults and Children)
2007	902	90.2%
2008	977	96.1%
2009	946	92.9%

Sources of Authority Regarding Austin Police Department Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the APD must comply with in relation to missing persons: (1) the Texas Statutes addressing missing persons (the “Statutory Requirements”); (2) the APD General Orders, Policies and Procedures, Doc. B209 (the “General Orders”); and (3) the APD Missing Persons Unit Standard Operating Procedures (“SOP”). The Statutory Requirements establish the foundation upon which the General Orders and the SOP are based. The requirements set forth in each source of authority are summarized below. All sources referenced in this Summary are attached.

Statutory Requirements

The Texas Statutes define a missing person as a person eighteen years or older whose disappearance may not be voluntary. (TEX. CODE CRIM. PROC. art. 63.001(2)). The definition also includes a person of any age who is: (1) subject to immediate danger or is a danger to others because of a physical or mental disability or senility; (2) in the company of another person or in a situation that indicates the missing person’s safety is in doubt; or (3) unemancipated. (TEX. CODE CRIM. PROC. art. 63.001(4)).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

I. The Department of Public Safety's Missing Persons Information Clearinghouse

The Texas Department of Public Safety Missing Persons Information Clearinghouse (the "Clearinghouse") is the centralized repository for records regarding all missing children and adults in the state of Texas. (TEX. CODE CRIM. PROC. art. 63.002). State law requires the Clearinghouse to:

- establish a system of intrastate communication of information, including a centralized file, relating to missing children and persons;
- transfer information regarding missing children and missing persons suspected of interstate travel to the National Crime Information Center;
- collect and disseminate information on missing persons;
- provide a toll-free telephone line for reporting and receiving information on missing persons; and;
- attempt to match unidentified bodies with missing children or persons, and notify the appropriate law enforcement agencies of potential matches (TEX. CODE CRIM. PROC. art. 63.014(a))

(TEX. CODE CRIM. PROC. art. 63.003).

All Texas law enforcement agencies, including the APD, are required to use the Clearinghouse. (TEX. CODE CRIM. PROC. art. 63.002).

II. Statutory Duties of Law Enforcement Agencies

A. *Complete a Standardized Missing Person Report*

The Texas Statutes require the Clearinghouse to distribute standardized missing children and missing person report forms to all law enforcement agencies. (TEX. CODE CRIM. PROC. art. 63.004). When a missing person is reported in person, by telephone, or another indirect method of communication, then a police officer who has been authorized to receive missing person reports must fill out the standard missing person form supplied by the Clearinghouse. Id. However, the person making the report may also choose to complete the form and deliver the form to a law enforcement officer. Id. The form provided by the Clearinghouse is different from the APD standard incident report form discussed below.

B. Execute a Release for Dental and Medical Records

When a law enforcement officer makes a missing person report, the officer must complete both a dental release form and a medical release form. The dental release form must state that “the person is missing and that there is reason to believe that the person has not voluntarily relocated or removed himself from communications with others,” and must authorize the bearer of the release to obtain dental information records from any dentist or physician within Texas. (TEX. CODE CRIM. PROC. art. 63.006(b)). The medical release form must also state that the person is involuntarily missing, and must be filled out and signed by a parent, spouse, adult child, or legal guardian of the missing person. (TEX. CODE CRIM. PROC. art. 63.007). Once the medical release form is completed and signed, the officer must endorse the form with a notation that states that a missing person report has been made in compliance with Texas statutory requirements. Id. The medical release form permits any physician or health care physician licensed in Texas to release the following information to the law enforcement officer:

- Dental records
- Blood type
- Height
- Weight
- X rays
- Information regarding scars, allergies, or unusual illnesses

Law enforcement agencies must forward any dental or medical records that the agencies receive to the Clearinghouse. (TEX. CODE CRIM. PROC. art. 63.006(b), 63.007(c)).

C. Initiate an Investigation

If the missing person has chronic dementia caused by illness, brain defect, or brain injury, the law enforcement agency must immediately start an investigation. (TEX. CODE CRIM. PROC. art. 63.009(a)(1)). If the missing person does not suffer from dementia, then the law enforcement agency is required to start an investigation with due diligence. (TEX. CODE CRIM. PROC. art. 63.009(a)(2)).

D. Enter Information into the Clearinghouse, National Crime Information Center, and Alzheimer’s Association Safe Return Program

When a missing person is reported, law enforcement agencies must notify the person who filed the report that the information about the missing person will immediately be entered into the Clearinghouse, and may also be entered into National Crime Information Center (“NCIC”) or Alzheimer’s Association Safe Return Program (“AASRP”), if applicable. (TEX. CODE CRIM. PROC. art. 63.009(a)(4)). Law enforcement agencies are required to report missing persons information to NCIC if the missing person:

- has a proven physical or mental disability, or suffers from senility subjecting that person or others to danger;

- is missing under circumstances indicating that the appearance was not voluntary or indicate that the person's physical safety is in danger; or
- is missing after a catastrophe

Law enforcement agencies must report missing person information to the AASRP if the person suffers from Alzheimer's. When reporting missing person information to the Clearinghouse, NCIC, or AASRP, the following information must be entered

- The missing person's name
- Dental records
- Fingerprints
- Other physical characteristics
- Description of the clothing worn when last seen
- All available information describing any person believed to have taken or retained the missing person

(TEX. CODE CRIM. PROC. art. 63.009(a)(3)).

In addition to the above information, law enforcement agencies are required to enter into the Clearinghouse *all* additional information that would assist in the location or identification of the missing person. (TEX. CODE CRIM. PROC. art. 63.013). Law enforcement agencies are obligated to update the Clearinghouse and NCIC with any additional information as it becomes available. (TEX. CODE CRIM. PROC. art. 63.009(b)).

Law enforcement agencies must also enter information about all unidentified bodies into the Clearinghouse and NCIC, within ten working days after the agency learns of the death. (TEX. CODE CRIM. PROC. art. 63.009(c)). If an entry into NCIC results in an automatic entry into the Clearinghouse, then the law enforcement agency is not required to make a duplicative direct entry into the Clearinghouse. Id. The following information must be entered into the databases:

- Fingerprints
- Dental records
- Unusual physical characteristics
- Description of the clothing found on the body

Id. If the missing person was taken or is being held by another person and the law enforcement agency obtains an arrest warrant for that person, then the law enforcement agency must immediately enter the perpetrator's name and descriptive information, and all available identifying features of the victim into the NCIC's wanted person file cross-referencing the NCIC missing person file, if the person meets the NCIC's criteria for a wanted person. (TEX. CODE CRIM. PROC. art. 63.009(d)). According to the NCIC, the following are wanted persons:

- Individuals who have outstanding federal warrants
- Individuals who have an outstanding warrant for a felony or serious misdemeanor

- An individual subject to a “temporary felony want”
- Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody
- Juveniles who have been charged with a delinquent act that have fled from the state where the act was committed
- Individuals who have committed an offense in a foreign country, which would be a felony if committed in the United States, and who have an outstanding arrest warrant as long as an extradition treaty exists between the United States and the foreign country.
- Individuals who have committed an offense in Canada and who have an outstanding Canada-Wide Warrant for their arrest, as long as the warrant meets the requirements of the Canada-U.S. Extradition Treaty.

As soon as the missing person is found or an unidentified body is identified as a missing person, then the law enforcement agency having jurisdiction over the investigation must immediately cancel the entry in the NCIC database. (TEX. CODE CRIM. PROC. art. 63.009(f)).

E. Investigate Possible Matches of Missing Persons and Unidentified Bodies

When a law enforcement agency receives notice of a possible match of a missing person and unidentified body by the Clearinghouse, the law enforcement agency must make arrangements for positive identification. (TEX. CODE CRIM. PROC. art. 63.014(b)). If there is a positive match, then the law enforcement officer must complete and close out the investigation and notify the Clearinghouse. Id.

III. The University of North Texas Health Science Center at Fort Worth—Missing Persons DNA Database

State law requires the Center to maintain a DNA database for high-risk missing persons and unidentified human remains (the “Database”). (TEX. CODE CRIM. PROC. art. 63.052). The purpose of the Center is to match unidentified human remains to high-risk missing persons. Id. According to the statutes, a high-risk missing person is someone who is missing:

- as a result of an abduction by a stranger;
- under suspicious or unknown circumstances; or
- for over 30 days, or less than 30 days if the investigating agency believes the person is in danger or deceased

(TEX. CODE CRIM. PROC. art. 63.051(5)).

A. Notification of Voluntary Samples

Within 30 days of filing a high-risk missing person report, the law enforcement agency must inform a parent or other appropriate person that a DNA sample or a personal article belonging to the missing person may be provided. (TEX. CODE CRIM. PROC. art. 63.057).

B. Collection of Samples and Transportation to the Center

Under state law, law enforcement agencies may obtain DNA samples from parents or other appropriate persons using model kits supplied by the Center. (TEX. CODE CRIM. PROC. art. 63.059). The law enforcement officer must have the parent or other appropriate person fill out a standard release form provided by the Center. (TEX. CODE CRIM. PROC. art. 63.058). The release form must state that the DNA sample will only be used to identify the high-risk missing person. Id. After the law enforcement officer obtains a DNA sample, the officer must re-verify the status of the high-risk missing person. (TEX. CODE CRIM. PROC. art. 63.060). If the missing person is still high-risk, then the law enforcement agency must submit the following to the Center as soon as practicable: (1) the DNA sample; (2) a copy of the missing person's report; and (3) any other supplemental information. Id.

Law enforcement officers may also collect samples from unidentified human remains. If officers collect samples, then they must submit those samples to the Center for DNA analysis and inclusion into the Database. (TEX. CODE CRIM. PROC. art. 63.056). Once the Center has performed its analysis it must return the remaining samples to the law enforcement agency that collected the samples. Id.

Austin Police Department General Orders, Policies, Procedures

The APD General Orders, Policies, and Procedures, Doc. B209, (the "General Orders"), outlines the first responder procedure for initially contacting the MPU and the procedure for dealing with cases where the complainant is attempting to locate an individual who voluntarily left.

An officer, who is called to the scene of a missing person, must immediately contact his/her field supervisor if any of the following circumstances exist ("Critical Circumstances"):

- The missing person is an aged or senile adult who is unable to care for themselves and requires continuous supervision by a caregiver
- The missing person is sixty-five years of age or older and has a documented mental or medical impairment which creates a threat to personal safety
- Mental or physically handicapped individuals whose impairment creates an imminent safety risk
- Suicidal persons
- Any individual who's medical condition creates an imminent risk to their well being
- The circumstances indicate the existence of foul play
 - If circumstances indicate that the missing person was kidnapped, then the Homicide Unit must also be contacted.

The field supervisor must then contact the MPU and make a determination as to what type of field search effort will be undertaken. The first response officer, the field supervisor, or any other employee obtaining information about the missing person must then complete an incident report electronically and enter the title code "Missing Adult" on the report. If the missing person does not fit into the above criteria, i.e. there is no reason to believe the missing person is in danger, then the first response officer must conduct an initial investigation, initiate an incident report electronically, and enter the title code "Request to Locate" on the incident report. When the MPU is contacted by a field officer regarding a missing person under Critical Circumstances, then the MPU supervisor will coordinate with the field supervisor to determine the appropriate response by the MPU detective. An MPU detective responding to the scene must obtain a full briefing from the field supervisor and first responding officer, assist with the investigation, and coordinate the search effort.

The General Orders also requires the APD to protect the privacy rights of adults who are not endangered and have voluntarily chosen to terminate contact with the complainant who reported the adult missing. Officers must encourage these complainants to enlist private locating agencies. Officers must also advise complainants that if the APD finds the missing person, the APD will ask the missing person to make contact with the complainant but will not generally reveal the person's location to the complainant.

Austin Police Department Missing Persons Unit Standard Operating Procedures

The APD MPU is responsible for investigating reports of missing persons and certain crimes committed against children. The MPU has implemented the Standard Operating Procedures ("SOP") which generally tracks the Statutory Requirements, but also adds procedures and guidelines unique to the MPU. The MPU SOP is reviewed on an annual basis around January or February. The SOP summarized below is currently under review and is subject to change.

I. Deployment of the Missing Persons Unit

A. Procedure for Contacting Missing Persons Unit After Hours

The normal working hours of the MPU are from 7:00 am to 5:00 pm, Monday through Friday. The MPU Supervisor maintains an on-call duty roster of detectives which is updated in the computer aided dispatch system every seven days. If the first response patrol officer contacts the field supervisor in accordance with General Orders above, and it is after normal working hours, then the field supervisor will contact the on-call detective. The detective must offer advice or respond to the scene to assist the officers and begin the investigation. If the detective decides to respond to the scene, then the detective must notify the MPU Sergeant.

B. Procedure for Assigning Detectives to Missing Person Cases

The MPU Sergeant must assign all cases to detectives in an equitable manner. The MPU Sergeant is required to consider the following factors when assigning cases:

- The detectives available and their relative expertise
- The number and types of cases assigned to each detective
- Each detective's scheduled appointments and interviews
- Amount of time since the missing person went missing
- Urgency of the case

The SOP requires that all unassigned cases be reviewed every twenty-four hours, although the SOP does not delegate this responsibility to a particular individual.

II. Entering Information into Texas Crime Information Center/National Crime Information Center

In addition to the Statutory Requirements to enter data into the Clearinghouse and NCIC, the SOP also requires local law enforcement agencies to enter information into the Texas Crime Information Center, a statewide database. The SOP states that the categories and information that may be entered are the same for both TCIC and NCIC. Information must be entered into TCIC/NCIC, as follows:

Category	Description
Disability	Person of any age who is missing and has a physical disability, mental disability, or senility that subjects the person or others to danger
Endangered	Person of any age who is missing under circumstances that indicate that they may be in danger
Involuntary	Person of any age who is missing under circumstances that indicate that the disappearance was not voluntary
Juvenile	Person under the age of 18 and unemancipated
Catastrophe Victim	Person of any age who is missing after a catastrophe
Other Event	Persons over the age of 21 who do not fall into any other category and for whom there is a concern about the person's safety

III. Missing Adult and Request to Locate Title Codes

When the missing person is over the age of seventeen, the case must be assigned a title code indicating either a Request to Locate or a Missing Adult, as each classification has its own investigative procedure. This determination is made by either the first responding officer, the supervisor, or the responding MPU detective. The following factors must be taken into consideration when determining classification:

- Age and maturity
- Physical or mental impairment
- Voluntariness of departure
- Evidence of foul play
- Suicidal tendencies
- Immediate danger of bodily harm
- Unusual behavior

In consideration of the above factors, a Missing Adult title code is proper when the person is missing under circumstances that indicate that the missing person is in danger, or did not leave voluntarily. A Request to Locate title code is appropriate if the person is an adult and there is no reason to believe: (1) the missing person is in danger, (2) the missing person left involuntarily; or (3) the missing person is not acting consistent with an established pattern.

The table below shows the breakdown of missing adults reports from 2007-2009 by title code:

<u>Year</u>	<u>Number of Missing Person Reports with a Missing Adult Title Code</u>	<u>Number of Missing Person Reports with a Request to Locate Title Code</u>
2007	653	165
2008	693	230
2009	577	233

A. *Procedure for Investigating a Request to Locate*

Every case, whether it is categorized as a Missing Adult or Request to Locate is transferred to the MPU and assigned to a detective. The detective assigned to the case must contact the complainant to determine if the person has been located. If the person has not been found, then in accordance with the General Orders, the detective must inform the complainant that if the person is found, the person's whereabouts will not be disclosed to the complainant.

The detective must then ensure that the missing person's information is entered into TCIC/NCIC with a notation stating "Request to Locate only-Do not take into Custody" in the entry field. The information must be entered in the correct category, as follows:

VORYS

Classification	Description
Involuntary	Missing person is between the ages of 18 and 20 and the disappearance may not have been voluntary
Other	Missing person is 21 or older and there is concern for the person's safety

The detective must continue to attempt to locate the person by checking the following:

- Local involvement
- Phone book, utilities, driver's license, and other sources for a local address
- Travis County and Williamson County jail
- Travis County and Williamson County Mental Health Unit
- Austin State Hospital
- Medical Examiner's Office, and
- Local hospitals

If during the investigation, the complainant refuses to return phone calls, then the Detective will mail the complainant a form letter or contact card. If there is no response within 15 days of the form being mailed, then the case will be suspended. Similarly, if 30 days pass and no information becomes available to locate the subject, the detective must notify the complainant of the investigatory steps taken, encourage the complainant to contact a private agency, and suspend the case.

B. Procedure for Investigating Missing Adult Reports

A report of a missing adult requires immediate action. The procedures for a missing adult is the same as the procedure for a missing child. The detective assigned to the case must first advise the Sergeant of the situation and then report to the scene. The detective is then required to contact and interview the complainant. The detective must obtain a written statement from the complainant to support the belief that the missing adult is in danger. If the complainant refuses to give the statement, or the statement does not support the belief that the adult is in danger, then the detective must handle the case as a Request to Locate.

Once the complainant submits an adequate written statement, then the detective must form a search party recruiting as many people as needed from the APD, Fire, EMS, neighbors, and family. The detective must also contact volunteer search and rescue teams. The APD has a search and rescue team ("SAR") that is comprised of 18 volunteers. All team members are required to have a basic National Certification in Search and Rescue, pass background checks, and participate in monthly drills/training. All team members carry APD issued pagers, so that they can be contacted at any time.

After the search party is gathered, the detective must then conduct a thorough systematic search with the search party beginning the search in the area where the adult was last seen. The

detective must maintain a map of the area searched and must request assistance from the APD Air Operations Unit, the K9 Unit, and either the Department of Public Safety or STAR Flight helicopter, an aerial emergency medical service in Texas, if assistance would help in locating the missing adult. The detective may also notify the news media through the Public Information Office and provide a photo and/or description of the missing adult. Lastly, the detective must enter the missing person's information into TCIC/NCIC.

The APD has a special Silver Alert Response program for missing persons who: (1) are 65 years or older; (2) have a mental impairment; and (3) whose safety or health is at risk. The response program requires the detective responding to the scene to contact a field supervisor who will in turn contact an available Lieutenant of the Headquarters Bureau—Violent Crimes Division. A detective will then be assigned to staff a phone and printer in the MPU office in order to receive information directed from 311 (non-emergency phone calls with information on missing persons) and 911 (emergency phone calls). 911 and 311 calls with additional information about the missing person will be routed directly to the printer and phone manned by the detective.

C. Procedure if Missing Adult has an Active Arrest Warrant

If the missing adult has an active arrest warrant for an offense other than a Class-C offense then the detective will consider the adult a "fugitive from justice" unless the detective determines that there is sufficient reason to believe that the adult is missing for reasons other than the warrant. A Class-C offense is an offense that is punishable only by a fine not to exceed \$500. Class-A and Class-B offenses are punishable by fines exceeding \$500, confinement in jail, or both. If the missing adult is deemed a "fugitive from justice" then the investigation will be suspended. Detectives must ensure that the adult remains in both TCIC and NCIC via either a warrant entry or modification of the missing person entry reflecting the active warrant.

IV. Personnel Selection and Training Procedures

The MPU Sergeant is selected by the Lieutenant of Headquarters Bureau—Violent Crimes Division. The Lieutenant selects the Sergeant based on work experience, interpersonal skills, and general reputation as a supervisor. MPU detectives are selected by the MPU Sergeant. The MPU Sergeant selects detectives based on the following:

- Desire to investigate missing persons
- Submission of a transfer request
- IA records
- Training history
- Work experience
- Interpersonal skills
- General reputation as a detective or police officer

In order to be eligible for a promotion to the position of a detective, the Collective Bargaining Agreement between the City of Austin and the Austin Police Association, requires all officers to

pass a written examination. However, additional bonus points are added to the test score for education and seniority. The MPU Sergeant and all MPU detectives must attend mandatory in-service training, firearms qualifications, and other specialized training required by the APD.

V. Annual MPU Inspection

According to the SOP, the Inspections Unit of the Professional Standards Bureau performs an annual staff inspection of the MPU. The inspection seeks to compare the APD's formal expectations with the actual performance of the MPU.

VI. Records Management

The SOP provides specific instructions for the maintenance of case jackets. For active cases, detectives must maintain the case jackets and keep them out of public view and secured in a locked filing cabinet when the detective is out of the office. After a case closure, the original case jacket, including the incident report, must be turned over to the Administrative Associate who will prepare the case jackets for long term storage at an off-site location and in accordance with the Texas State Library and Archives Commission rules and guidelines.¹

VII. Collection and Preservation of Evidence

The SOP summarily addresses the collection and preservation of evidence. The SOP provides the following:

- All evidence:
 - Must be properly tagged, identified, marked, and locked in a secured area
- Photos:
 - Must be scanned and the original must be returned to the complainant
- Small and inexpensive items:
 - Can be retained in the permanent case jacket
- Expensive or large items:
 - Must be submitted into the evidence room
- Vehicles:
 - Must be towed by the contract pound wrecker service and taken to the APD approved secured vehicle facility
 - Must be entered into the impounded vehicle log maintained at the facility
 - Must be processed, photographed, and released to the general police impound facility as soon as possible
 - Released to the owner as soon as there is no evidentiary need to retain the vehicle

¹ The Texas Government Code §441.158 and the Texas State Library Archives Commission regulate the retention of records.

- Length of Seizure:
 - Evidence cannot be retained in MPU for more than twenty-four hours without a compelling reason and approval from a MPU supervisor.
- The MPU must cooperate with the Forensic Division in order to process crime scenes
 - Notification of forensic hits can come from: (1) AFIS (latent prints); (2) CODIS (DNA); or (3) NIBIN (ballistics).
 - Forensics must notify the assigned detective and MPU Sergeant of a forensics hit or match via e-mail to the MPU e-mail address and to the assigned detective's email address.
 - The MPU Sergeant is responsible for making sure that the MPU e-mail address is checked on a daily basis.
 - The MPU Sergeant must ensure that the assigned detective is aware of the hit, and must reopen the case investigation if the case has been closed or suspended.
- Follow-up on forensic hits
 - The detective must follow up forensic hits by contacting the following:
 - The assigned Assistant District Attorney
 - The appropriate jurisdiction if the hit stems from an out of city report
 - The detective must document the following in the offense report:
 - Whether or not the match belongs to the victim or some other person
 - The specific actions taken to follow-up on the hit
 - The detective must file appropriate charges if the new forensic information assists in the identification of the offender.

VIII. Investigative Techniques

The SOP expressly authorizes the use of interrogations, lineups, and polygraphs in investigating missing persons. The SOP requires that these procedures be conducted in compliance with the relevant APD General Orders, Policies, and Procedures. With regard to polygraphs, the SOP provides that polygraph tests should only be used after the suspect has been interviewed and the case has been thoroughly investigated.

Comparison of Requirements for Austin Police Department and Requirements for Cleveland Division of Police

Similar requirements are imposed on both the APD and the Cleveland Division of Police (“CPD”), although in Texas, the Statutory Requirements and the Department Policy are more elaborate. Distinct differences between the APD and CPD are outlined below.

I. Differences in State Law Requirements

A. Texas Law Requires a State Clearinghouse for all Missing Person Reports

Pursuant to state law, the Clearinghouse has formed a centralized file for all missing person reports. The Clearinghouse helps law enforcement agencies locate missing persons by: (1) maintaining a website that allows the public to search through missing person information; (2) serving as a liaison for two statewide alert networks: the Amber Alert for missing children and the Silver Alert for missing elderly persons who suffer from a mental disability; and (3) attempting to match unidentified bodies to missing persons reports. State law requires the APD to cooperate with the Clearinghouse by entering information on all missing persons and unidentified bodies into the Clearinghouse.

B. Texas Law Requires the a DNA Database for High-risk Missing Persons and Unidentified Human Remains

Texas state law requires the University of North Texas Health Science Center at Fort Worth (the “Center”) to maintain a DNA database for high-risk missing persons and unidentified human remains. Law enforcement agencies are required to obtain and transport DNA samples to the Center. The Center is responsible for matching unidentified human remains to high-risk missing persons.

II. Differences in Department Policies

A. The APD has a Specialized Investigative Unit Dedicated to Missing Persons

Unlike the CPD, the APD has created a specialized missing persons unit. The MPU is responsible for investigating reports of missing persons and certain crimes committed against children. The MPU requires that detectives be on-call so the MPU is available to investigate and report to scenes around the clock.

B. MPU Detectives are Selected Based on Various Factors

The MPU Sergeant selects MPU detectives based on a variety of factors including a desire to investigate missing persons, training history, work experience, interpersonal skills, and general reputation. MPU Sergeants have complete discretion in making this decision and unlike the CPD are not required to make any selection on the basis of seniority. In order to be eligible for a promotion to the position of a detective, the Collective Bargaining Agreement between the City of Austin and the Austin Police Association, requires all officers to pass a written

VORYS

examination. However, additional bonus points are added to the test score for education and seniority.

C. MPU Follows the Same Procedure for both Missing Children and Missing Adults in Danger

Like the CPD, the APD has both an Amber Alert for children and a special alert for endangered elderly persons (the Silver Alert). Although the APD does not have a designated alert system for missing adults in danger, the APD follows the same investigative procedure for adults who are in danger as it does for missing children. This is significant because the MPU is able to request the assistance of the Air Operations Unit, K9 Units, search teams, and the media.

D. MPU Investigates Missing Persons who Left Voluntarily and are not Endangered

Although the Texas and Ohio statutes contain similar definitions of “missing person” the SOP requires the MPU to investigate missing persons even if there is no reason to believe the person is in danger or left involuntarily, thereby falling outside the statutory definition. For these individuals, the MPU fills out an incident report with the title code “Request to Locate” and continues to attempt to locate the person for a period of 30 days. If 30 days pass and there is no information to help locate the subject, then the MPU is permitted to suspend the case.

E. MPU has a Procedure for Investigating Missing Persons with Active Arrest Warrants

Under the SOP, the MPU must investigate a missing person with an active warrant for a Class-C offense. A Class-C offense is an offense punishable by a fine of \$500 or less. If the missing person has an active warrant for a Class-A or Class-B warrant, for offenses punishable by fines exceeding \$500 or confinement in jail, then the investigation will be suspended unless there is reason to believe that the adult is in danger and is missing for reasons other than the outstanding warrant.

F. MPU Detectives are Required to Obtain a Written Statement that the Missing Adult is in Danger from the Complainant

Under the current SOP, the detective is required to obtain a written statement from the complainant to support the belief that the missing adult is in danger. If the complainant refuses to give the statement, or the statement does not support the belief that the adult is in danger, then the detective must downgrade the case’s priority and enter the title code Request to Locate. However, this particular provision is currently under review.

G. MPU Detectives are Required to Contact Volunteer Search and Rescue Teams

The MPU SOP requires MPU detectives to contact volunteer search and rescue teams when a missing adult is in danger. The CPD is not subject to a similar requirement to contact grassroots organizations. The MPU requires MPU detectives to cooperate with the volunteer teams and conduct a joint search for the missing party.

VORYS

H. MPU is Subject to an Annual Inspection

The MPU is subject to an annual inspection. The Inspections Unit of the Professional Standards Bureau performs an annual staff inspection where the APD's formal expectations are compared to the actual performance of the MPU.

I. MPU is Subject to Record Management Procedures

The MPU SOP governs the maintenance of records. The MPU must maintain active cases in secured and locked filing cabinets when the detective is out of the office. After a case is closed, the case files are stored at an off-site location.

J. Missing Person Information Received From Austin 311 is Transferred to the MPU

According to the current SOP, when a Silver Alert Response program is initiated, missing person information provided by callers dialing Austin 311 and 911 is directed to the MPU.

K. MPU may use Polygraphs as an Investigative Tool

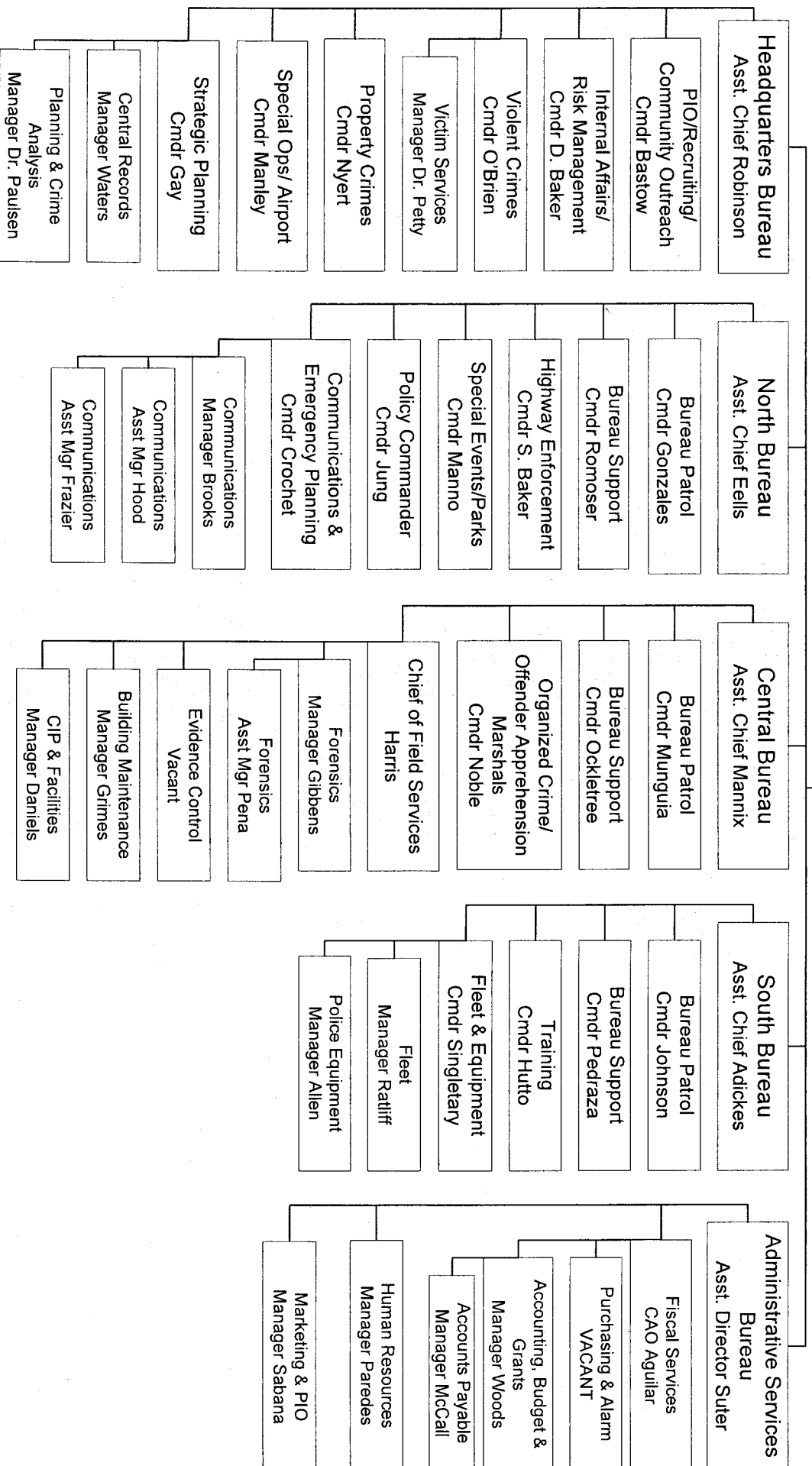
The MPU SOP explicitly allows the use of polygraph tests as an investigative tool in missing person cases. According to the SOP, polygraph tests should only be used after the suspect has been interviewed and the case has been thoroughly investigated.

Effective 12-02-09

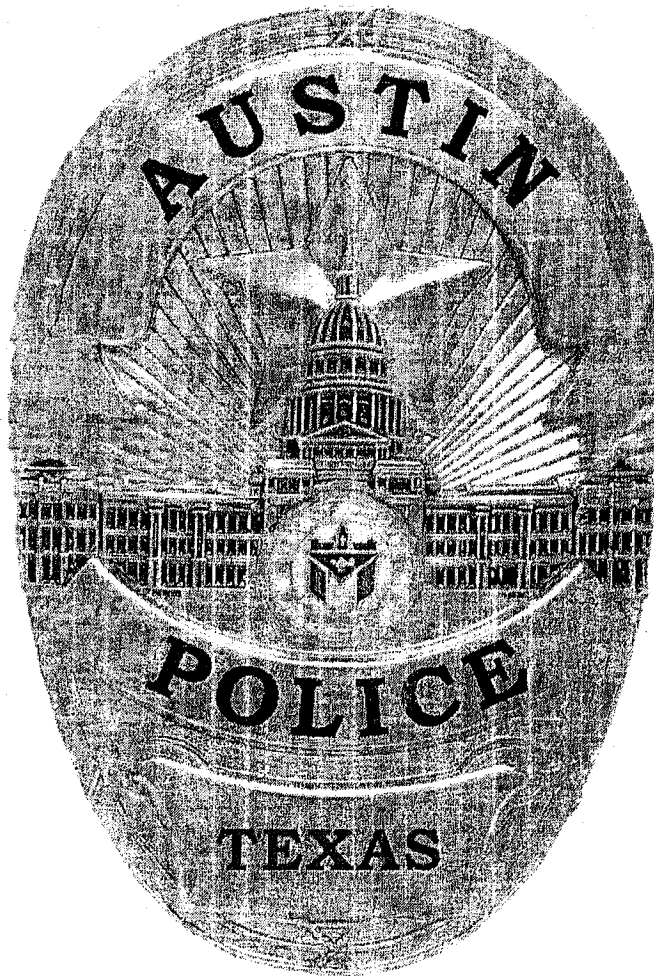
Acevedo

Chief of Staff
Carter

APD Legal
Douglas & Orr



MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES



2009

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>

.01 Statement of Purpose:

The Missing Persons Unit was created to investigate reports of missing persons, runaways, unidentified located persons in accordance with Texas Code of Criminal Procedures Chapter 63, and certain crimes committed against children involving custody. The unit has been incorporated into the Headquarters Bureau – Violent Crimes I.

.02 Organization and Staffing:

The Department undergoes a periodic evaluation to ensure it is organized in such a way that it meets the changing needs of the Austin community. This evaluation may result in changes overtime to redistribute resources to optimally address contemporary issues and conditions.

Redistribution of personnel and resources may occur as a result of any Department reorganization. The Austin Police Department Human Resources Division will maintain personnel allocation information.

The Department's organizational structure is depicted on an organizational chart that is reviewed, updated and distributed as a Special Order to all personnel as needed. The organizational chart depicts the formal lines of authority and communication within the Department.

.03 Utilization and Deployment:

A. Offenses by Code when an individual of any age is missing, whether within or outside the jurisdiction of this Department:

- | | | |
|-----|------|---------------------------------|
| 1. | 2001 | Interference with Child Custody |
| 2. | 2002 | Enticing a Child |
| 3. | 2005 | Harboring a Runaway |
| 4. | 3416 | Request to Locate |
| 5. | 3907 | OOB Missing Person |
| 6. | 4100 | Runaway |
| 7. | 4101 | Found Child |
| 8. | 4102 | Missing Child |
| 9. | 4103 | Missing Adult |
| 10. | 4104 | Recovered Runaway |
| 11. | 4105 | Found Adult |

B. Chapter 63 of the Texas code of Criminal Procedure Art. 63.009 require law enforcement officers:

1. to immediately start an investigation to the whereabouts of the missing individual when that person is:
 - a. a child and the well-being of that child is in danger, or
 - b. any person known by the agency to have or been reported to have chronic dementia, including Alzheimer's dementia, whether caused by illness, brain defect or brain injury. Dementia is a severe impairment or loss of intellectual capacity.
2. to start an investigation with due diligence when that person is:
 - a. any person or child other than the person or child described above in section .03 B. 1.

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

3. Law enforcement shall:
 - a. Immediately enter the name into:
 - i. DPS Missing Persons Clearinghouse,
 - ii. NCIC Missing Person file, if the person meets the criteria,
 - iii. The Alzheimer Safe Return Crisis number, if applicable, and
 - iv. Inform the complainant of the above steps, i. thru iii.
 - b. Information not immediately available shall be obtained by investigators and entered as supplements to the original entry as soon as possible.
 - c. Mail or provide the complainant with a Medical/Dental release form in accordance with CCP Chapter 63 Section .006 and .007
 - d. In accordance with CCP 63.057, notify complainant within 30 days of a report for a "high-risk" missing person that appropriate persons may provide:
 - i. DNA sample for forensic analysis, or
 - ii. For purposes of DNA sampling, a personal article belonging to the high-risk missing person.
 - e. For section d. above, "high-risk" is defined as:
 - i. A person missing as a result of abduction by a stranger;
 - ii. A person missing under suspicious or unknown circumstances;
 - iii. A person who has been missing more than 30 days, or less than 30 days at the discretion of the investigating agency, if there is reason to believe that the person is in danger or deceased.
 - f. If child is under the age of 11, notify the school, and/or day care facility in writing that the child is missing and request that the child's records be "flagged" in accordance with CCP 63.020.
- C. Missing Persons is staffed from 7:00 a.m. to 5:00 p.m., Monday through Friday.
- D. When a Patrol Officer, after consulting with a field supervisor, requests advice from or the assistance of the Missing Persons Unit after normal working hours, Communications or a Patrol Supervisor will contact the on-call Detective utilizing on-call duty roster maintained by the unit supervisor. The Detective will offer advice or respond to the scene or other location to assist Patrol and begin the investigation. If the on-call Detective is responding to the scene, he or she will notify the Missing Persons Sergeant.
- E. The computer aided dispatch system will be updated every 7 days to reflect the assigned on-call Detective. On call will be shared with detectives in the SOAR unit.
- F. Offense reports involving missing or found adults/children, or runaways may be generated by:
 1. Patrol Officers responding to a call for service;
 2. Phone or walk-in complainants; or
 3. Reports from other law enforcement agencies.
- G. The Sergeant or designated Detective will assign cases to the Unit Detectives in an equitable manner. Unassigned reports will be reviewed every 24 hours. The following will be considered when assigning cases:
 1. Detectives available and their amount of expertise;
 2. Number and type of cases assigned to each investigator;
 3. Previously scheduled appointments and interviews for each investigator;
 4. Amount of time since the offense occurred; and
 5. Urgency of the case.
- H. Reported offenses occurring outside of our jurisdiction will be forwarded to the appropriate law enforcement agency.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

.04 Goals, Objectives, and Performance Measures:

Department goals and performance measures are published by the City of Austin in Budget and Business Planning Documents. Periodic reports indicate progress will be made to the Chief of Police, City Manager and City Council as required.

.05 Personnel Duties, Authority, and Responsibilities:

A. Confidentiality:

All investigations conducted by Missing Persons Unit are of a confidential nature. No member of the Unit will disclose information gained from their official duties as Police Department employees to persons who have no legitimate "need to know".

B. Duties and responsibilities include, but are not limited to the following:

1. Sergeant of Missing Persons Unit:

- a. Reports to the Lieutenant of Headquarters Bureau – Violent Crimes Division – Violent Crimes I.
- b. Directly supervises and manages the deployment of Unit Detectives and the Administrative Associate.
- c. Assigns cases in an equitable manner.
- d. Complies with and monitors subordinates' compliance with departmental policies and procedures, local ordinances, and state law.
- e. Assists employees in developing their investigative and interpersonal skills to include discipline, counseling, performance evaluation, and training.
- f. Conducts yearly employee performance evaluations, to include:
 - (1) Conducting a performance evaluation on each employee in the Sergeant's command;
 - (2) Counseling each employee on their performance;
 - (3) Providing each employee with a copy of the performance evaluation;
 - (4) Maintaining a copy of each employee's performance evaluation.
- g. Briefs the Lieutenant on extraordinary cases.
- h. Represents the Unit and Department at meetings with other law enforcement agencies, social service organizations, committees, and the community.
- i. Supports Patrol personnel in the documentation and investigation of missing adults and children, runaways, and other offenses normally assigned to Missing Persons Unit.
- j. Monitors appropriate case closure by Unit Detectives.
- k. Accomplishes projects, tasks, and duties within guidelines, instructions, and timelines as established by the Lieutenant.
- l. Participates in or assigns Detectives to participate in educational and public relations presentations on a voluntary basis.
- m. Approves and coordinates the execution of search and arrest warrants.
- n. Assists the Public Information Office with the release of information to the media.
- o. Ensures that Detectives qualify with duty weapon(s) and attend in-service training and other mandatory training assignments.
- p. Qualifies with duty weapon(s) and attends in-service training and other mandatory training assignments.
- q. Approves or denies leave requests and overtime based on the Unit's needs.
- r. Recognizes information of a confidential nature and maintains that confidentiality.
- s. Seeks solutions to problems and methods that improve efficiency.

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

- t. Insures unit files are maintained according to General Orders and State Library Statutes.
- u. Quarterly inspections of employees.
- v. Annually inspects and inventories equipment.
- w. Monitors Sworn Employee Secondary Employment hours on a weekly basis.

2. Detective of Missing Persons Unit:

- a. Reports to the Sergeant of Missing Persons Unit.
- b. Accomplishes projects, tasks, and duties within guidelines, instructions, and timelines as established by the Unit Sergeant.
- c. Complies with departmental policies and procedures, local ordinances, and state law.
- d. Initiates reports for walk-in complainants. Phone in complainants can be referred to 311.
- e. Routes self-initiated incident reports to Report Review.
- f. Investigates assigned cases to include, but not be limited to:
 - (1) Creating a case jacket;
 - (2) Checking available computer systems and other law enforcement agencies for the criminal history of persons involved in the investigation and related offenses;
 - (3) Interviewing victims, witnesses, and suspects;
 - (4) Entering information on missing persons and runaways into TCIC/NCIC (See section on TCIC/NCIC Information);
 - (5) Removing information from TCIC/NCIC when a missing adult or juvenile has been located (See section on TCIC/NCIC Information);
 - (6) Coordinating searches for missing persons;
 - (7) Taking written statements and confessions (See section on "Confessions");
 - (8) Examining and processing crime scenes;
 - (9) Collecting, recording, and submitting evidence (See section on "Collection and Preservation of Evidence");
 - (10) Photographing victim injuries;
 - (11) Determining the identity of unknown suspects, including photo and physical lineups (See section on "Lineups");
 - (12) Preparing probable cause affidavits (See section on "Obtaining Warrants");
 - (13) Documenting the progress of investigations through report supplements;
 - (14) Updating victims and relatives of missing persons/runaways on the progress of investigations; and
 - (15) Clearing cases in accordance with established national guidelines.
- g. Seeks the approval of the Unit Sergeant before presenting a search warrant affidavit to a judge. (See section on "Obtaining Warrants")
- h. Consults with the Unit Sergeant on controversial or complex cases and regularly updates the Supervisor on the status of these investigations.
- i. Discusses cases with the appropriate Prosecuting Attorney when investigations are controversial or complex.
- j. Enters report supplements indicating the status of a case and the name of the attorney contacted when a Prosecutor or an Assistant District or County Attorney advises against prosecution.

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

- k. Assists other law enforcement agencies, social service agencies, and the community with issues related to missing adults/children, or runaways.
 - l. Compiles case jackets and disposition sheets to be forwarded for prosecution.
 - m. Appears in Court prepared to testify.
 - n. Assists the Public Information Office with the release of information to the media.
 - o. Requests the Evidence Room dispose of seized evidence and property when appropriate.
 - p. Qualifies with duty weapon(s) and attends in-service training and other mandatory training assignments.
 - q. Performs administrative duties in the reception area (answering phones, assisting customers) as needed.
 - r. Recognizes information of a confidential nature and maintains that confidentiality.
 - s. Seeks the approval of the Unit Sergeant prior to working overtime, compensatory, or flextime.
 - t. Seeks solutions to problems and methods to improve efficiency.
 - u. Supports Patrol Officers and Detectives with Missing Persons Unit related investigations.
3. Administrative Personnel of Missing Persons Unit:
- a. Reports to the Sergeant of Missing Persons Unit.
 - b. Accomplishes projects, tasks, and duties within guidelines, instructions, and timelines as established by the Supervisor.
 - c. Complies with departmental policies and procedures, local ordinances, and state law.
 - d. Conducts monthly audits of information entered into TCIC/NCIC.
 - e. Enters information on missing persons and runaways into TCIC/NCIC and deletes information when the missing person or runaway is located.
 - f. Makes initial contact to complainants on "runaway" cases, where no danger or threats to safety exist, to determine if child has returned and to request further information to supplement the report and assist in the investigation. After initial contact, if circumstances indicate that well-being of child is at risk, the case will be retitled "Missing Child" and immediately routed to a Detective.
 - g. Expunges juvenile records as required by law, with the assistance of Identification section supervisor.
 - h. Performs job-related typing tasks.
 - i. Serves as the Unit timekeeper for pay rosters and records keeper for overtime and compensatory time.
 - j. Monitors available office supplies to meet the needs of the Unit.
 - k. Reports equipment breakdowns or problems to the appropriate service representative.
 - l. Files case jackets.
 - m. Prepares case jackets for storage in the Texas State Library Archives in compliance with the Local Records Retention Schedule.
 - n. Assists other law enforcement agencies with information from police incident reports.
 - o. Attends at least 16 hours of approved training per year.
 - p. Recognizes information of a confidential nature and maintains that confidentiality.
 - q. Writes report supplements to cases when disposition sheets are returned from Court.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

C. TCIC/NCIC Information:

Local law enforcement agencies enter information concerning missing persons into a statewide database (TCIC-Texas Crime Information Center) and a national database (NCIC-National Crime Information Center), which allows the information to be disseminated to police agencies nationwide. TCIC/NCIC regulations dictate the types of information that may be entered.

1. Missing persons information may be entered into TCIC/NCIC if one of the following circumstances is present:
 - a. Disability (MKE/EMD):
Person of any age who is missing and is under proven physical or mental disability or is senile, thereby subjecting themselves or others to personal and immediate danger.
 - b. Endangered (MKE/EME):
Person of any age who is missing under circumstances indicating their physical safety may be in danger.
 - c. Involuntary (MKE/EMI):
Person of any age who is missing under circumstances indicating the disappearance may not have been voluntary, such as kidnapping or abduction.
 - d. Juvenile (MKE/EMJ):
Person who is missing and declared unemancipated as defined by the laws of the state of residence and does not meet any of the other entry criteria set forth.
 - e. Catastrophe Victim (MKE/EMV):
Person of any age who is missing after a catastrophe.
 - f. Other event (MKE/EMO)
Persons over the age of 21 not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.
2. A record for a missing minor, who is declared emancipated as defined by the laws of their state of residence, may be entered in TCIC/NCIC as a "missing adult". The entering agency must have signed documentation in its possession supporting the conditions under which the person is declared emancipated.
3. All missing persons under the age of 18, and not emancipated, must be entered into TCIC/NCIC following the above criteria. Generally, runaways will be entered under the "Juvenile" category, while all others will be entered under the category appropriate to the facts of the case.

D. Interference with Child Custody:

1. The Detective will conduct a preliminary investigation to:
 - a. Determine if the whereabouts of the child is known.
 - b. Ascertain if the complainant has filed for divorce and has been given either permanent or temporary custody of the child;
 - c. Determine location of court which issued divorce decree and/or related orders;
 - d. Encourage the aggrieved party to seek any civil remedies at their disposal.
2. The Detective will add the title code of "Missing Child" (4102), to the offense report if the child's location is not known and the child will be entered into TCIC/NCIC as "missing (involuntary)" with a notation that the entry is "for location

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

purposes only/no warrant issued". If charges are filed later, the information in the TCIC/NCIC entry will be updated to reflect those changes. After completing the preliminary investigation, the Detective will refer the complainant to the District Attorney's Office to determine if probable cause exists to file charges and provide, to the District Attorney's Office, the following information in the case jacket:

- a. A copy of the custody decree along with all other related court orders, provided by the complainant;
 - b. Written statement(s) from complainant in regards to the Statute violation;
 - c. Initial report with all related investigative supplements; and,
 - d. A picture of the child.
 4. If the District Attorney's Office determines that there is sufficient reason to file charges, they may file the charges themselves or they may send the case back to the assigned Detective to prepare a probable cause affidavit and obtain a warrant for Interference with Child Custody.
 5. The Detective will advise the complainant that a private attorney may obtain a writ of attachment for the child. This civil document is enforceable by a local constable. If a writ is obtained, that information can be entered into the National Crime Information Center.
 6. When parents or guardians residing out of the state request that a child in Austin be picked up, the information is referred to the Chief Deputy of Precinct 5 Constable's Office, Family Unit. The Constable's Office requires a copy of a valid writ of attachment and the divorce decree. It will be necessary for the parent or guardian to obtain an attorney in Austin to file the proper paperwork. The attorney can present the case to District Court so that a judge can determine if the out of state writ of attachment is valid or if another writ must be issued in Travis County.
- E. Enticing a Child:
The same procedures will be followed, as with the investigation of an "Interference with Child Custody" offense, however, the County Attorney will be the prosecuting agency.
- F. Criminal Nonsupport:
All criminal nonsupport cases will be referred to the District Attorney's Office for review prior to the filing of charges.
- G. Harboring a Runaway:
1. In cases of "Harboring a Runaway", the person accused of harboring the child must know or be criminally negligent about whether the child is younger than 18 years of age and the child has either:
 - a. Escaped from the custody of a Peace Officer or Probation Officer;
 - b. Escaped from the custody of the Texas Youth Commission or a detention facility for children; or
 - c. Been voluntarily absent from the child's home without the consent of the child's parent or guardian for a substantial length of time and without intent to return.
 2. The Detective will contact the suspect, explain the violation, and advise the suspect that a complaint may be filed if the child is not returned to the parent/guardian or released to the Austin Police Department.
 3. In most cases, a sworn statement from a witness confirming the elements of the offense will be required before a complaint may be filed.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

H. Runaways and Missing Children:

1. In cases involving missing children under the age of 18, it is necessary to determine whether to classify the case as a "Runaway" or as a "Missing Child". This classification will dictate how the child is entered into TCIC/NCIC and what investigative procedures the assigned Detective will follow. The following factors should be taken into consideration when making this determination:
 - a. Age and maturity;
 - b. Physical or mental impairment;
 - c. Voluntariness of departure;
 - d. Evidence of foul play;
 - e. Suicidal tendencies; and
 - f. Immediate danger of bodily harm.
2. "Missing Child" reports require immediate action by the assigned Detective. The Detective will take the following investigative steps:
 - a. Advise the Unit Sergeant of the situation;
 - b. Respond to the scene;
 - c. Contact and interview the complainant to ensure that the child is missing and has not been taken by a non-custodial parent (See section on "Interference with Child Custody");
 - d. Form a search party, recruiting as many people as needed (Police, Fire, EMS, neighbors, family, etc.);
 - e. Contact volunteer Search and Rescue Team via procedures established by the Missing Persons unit
 - f. Conduct a thorough systematic search, beginning with the last known area the child was seen and branching out in all directions;
 - g. Maintain a map of the area searched;
 - h. Request APD Air unit, Department of Public Safety or Starflight helicopter, if its use would assist in locating the missing child;
 - i. Request K9 assistance if their use would assist in locating the missing child;
 - j. Contact the news media through the Public Information Office with a photo and/or description of the missing child;
 - k. Enter the child's information into TCIC/NCIC; and
 - l. The child may be entered into the "Missing Persons Bulletin" published by the Missing Persons Clearinghouse of the Texas Department of Public Safety.
 - m. If the facts of the case indicate a witnessed or otherwise confirmed stranger abduction the following resources and investigative tools are at the disposal of the detectives working on a kidnapping / abduction:
 - 1) Amber Alert Response (only for a child):
 - (a) Detective(s) responding to scene (Stranger Abduction) if a confirmed abduction of a CHILD (under 18 years of age), contact on-call supervisor of Homicide unit, who in turn will relay pertinent information to an available HEADQUARTERS BUREAU LIEUTENANT / VIOLENT CRIMES SECTION, enabling them to answer the questions and work through the Amber Alert flowchart.
 - (b) Primary investigative responsibility lies with Homicide unit. Detective(s) from Missing Persons unit can be assigned to staff telephone and printer in office, in order

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

to receive information directed from 311 and 911 to assist Homicide unit with investigation.

Contact Communication supervisor at 974-0911 with the following information:

- (1) Phone number staffed by a detective(s).
- (2) Printer identification number of the printer manned by the detective(s).

(c) 911 and 311 calls with additional information or location of the abductor and missing person will cause the following to occur:

- (1) Calls will be generated under a Title Code for "AMBER."
- (2) These calls will require an officer to respond.
- (3) Each call initiated will be routed immediately to the printer designated and manned by the detective.
- (4) Any callers with detailed information will be routed directly to the phone number designated by the detective.

- 2) Search and rescue canine unit
- 3) APD Air Unit and / or Starflight
- 4) Civil Defense search and rescue team
- 5) Additional personnel support from APD patrol and other appropriate Units
- 6) NCIC / TCIC
- 7) Texas DPS Missing Persons Clearinghouse
- 8) National Center for Missing and Exploited Children
 - (a) Coordinate resources through communications, as necessary.
 - (b) If case does not involve a child victim and does not meet the criteria for an Amber Alert activation, continue to investigate, utilizing those resources deemed necessary, based on the merits of a specific case.

3. "Runaway" reports involve child under the age of 18 where there is no indications of imminent threats or concerns to the life or well-being of the child that would require an immediate response by the Department; but, does require an investigation to begin with due diligence. If the facts of the case indicate that a child has runaway, the assigned Detective will take the following investigative steps:

- a. Contact the complainant to determine if the child has been located;
- b. If the child has not been located, ensure that the child's information is entered into TCIC/NCIC if it was not done at the time the report was taken.
- c. If information from the investigation indicates that the child is traveling to another city, send notice by teletype to that city and region.
- d. If medical conditions exist that imminently threatens the health of the child, such as a critical need for medications, or if other dangerous circumstances exist, the investigating detective may contact the news media through the Public Information Office;
- e. Obtain the following information:
 - 1) a photograph of the child,
 - 2) a list of known associates of the child, i.e. friends, relatives, their addresses and contact numbers

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

3) ascertain efforts taken by the parent, guardian, etc. to recover the runaway child.

- f. Cancel the TCIC/NCIC entry when the child is located;
- g. If the child is not located, the Detective will stay in regular contact with the complainant and the status of the case will remain active;
- h. In the case of "Runaways" only, if the detective encounters unsuccessful attempts at phone contact, the complainant will be mailed a post card, also known as a "contact card", to the address provided in the initial report. If there is no response to the card within 15 days from the date of being mailed out, a supplement will be entered to the report and the case will be suspended. The TCIC/NCIC entry will be modified in the "Miscellaneous" section to indicate: "Case suspended – Uncooperative Guardian/CPS involvement may be necessary". If located, the child may be considered "abandoned". Contact to Child Protective Services should be considered if the parents or legal guardian are not able to immediately recover the child. This procedure will not be followed if the circumstances under which the juvenile is missing indicate foul play may have been involved or that the juvenile is in danger.
- i. If it is determined the runaway child has an active warrant of detention, for an offense other than a Class-C offense, and there is not sufficient reason to believe the child is missing due to circumstances other than the active warrant, the child is considered a "fugitive from justice" and the active runaway investigation will be suspended. Detectives will ensure the child remains in TCIC / NCIC either via the warrant hit entry or by modifying the Missing Persons entry (Miscellaneous area) to reflect the active warrant, along with any contact information to assist in confirmation of the warrant. "Request to Apprehend" (4000) title code will be added to the report and a supplement written to reflect the warrant information.
- j. In compliance with the goals of the Unit regarding Runaway reports:
 - (1) The family may be referred to the appropriate counseling services. (Lifeworks, AISD, etc.)
 - (2) Information gained from interviews and any actions taken by the Detective will be documented in a supplement to the offense report.
 - (3) Detectives will report suspected child abuse or neglect to the Child Protective Services hotline and ensure report is routed to appropriate investigative unit within the Department.
 - (4) After the child is located, information gained from follow-up, regarding any offenses against the child, will be routed to the appropriate investigative detail for disposition.
- k. When a person who is the subject of an open Runaway report reaches his or her 18th birthday, the assigned Detective will:
 - (1) Advise the complainant that the child is no longer a "runaway" under Texas law and, if located, cannot be detained by the police. If the complainant requests that

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

the case be kept open, the report will remain in Active status. If the case is to remain open:

- (a) The report title will be changed to "Request to Locate";
 - (b) The report title code will be modified from "Runaway" (4100) to a "Request to Locate" (3416) entry when the child reaches his or her 18th birthday;
 - (c) The TCIC/NCIC entry will be modified in the Miscellaneous section with the notation "Do Not Take Into Custody – For Location Purposes Only".
- (2) If the complainant does not wish to pursue the case any further, the case will be cleared (Exceptionally) and the TCIC/NCIC entry cancelled.
 - (3) Missing Persons Unit is responsible for coordinating the return of out of city runaways to a parent or guardian by ensuring out of city runaways are transported to Gardner-Betts or Lott juvenile detention facilities. These facilities, in accordance with Interstate Compact Agreement will ensure the return of the juvenile to his/her home city.

I. Missing Adults (4103) and Requests to Locate (3416):

- 1. In cases involving missing persons over the age of 17, it is necessary to determine whether to classify the case as a Request to Locate (3416) or as a Missing Adult (4103). This classification will dictate which investigative procedures the assigned Detective will follow. The following factors should be taken into consideration when making this determination:
 - a. Age and maturity;
 - b. Physical or mental impairment;
 - c. Voluntariness of departure;
 - d. Evidence of foul play;
 - e. Suicidal tendencies;
 - f. Immediate danger of bodily harm; and,
 - g. Unusual or out-of-the-ordinary behavior.
- 2. "Request to Locate" reports involve persons when:
 - a. there is NO reason to believe that the missing person is in danger; and,
 - b. the person is not missing, based upon the totality of circumstances, due to behavior consistent with an established pattern, or
 - c. has not voluntarily relocated or removed himself or herself from communications of others.
 - d. The assigned Detective will:
 - Contact the complainant to determine if the person has been located. If subject has not been located, advise the complainant that if the person is found, the located person will be asked to contact the complainant. Because an adult has the right to be missing voluntarily, once that person is located APD will not disclose their whereabouts to the complainant without sufficient justification.
 - e. Ensure subject is entered in TCIC/NCIC in correct category:
 - (1) "Involuntary"(MKE/EMI) for those age 18 to 20 where the disappearance may not have been voluntary.

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

- (2) "Other"(MKE/EMO) for subjects age 21 or older when missing and there is concern for the safety and well-being.
- (3) In both of these cases, the MIS field of the entry will indicate "Request to Locate only-Do not take into Custody-See report for deliver message"
- f. Attempt to locate the person by checking, but not limited to:
 - (1) Local involvement;
 - (2) Phone book, utilities, driver's license, and other sources for a local address;
 - (3) Travis County and Williamson County jail;
 - (4) Travis County and Williamson County Mental Health Unit, and
 - (5) Austin State Hospital for voluntary commitment;
 - (6) Medical Examiner's Office, and
 - (7) Local hospitals.
- g. If the complainant refuses to return phone calls, the Detective will mail the complainant a "Missing Person/Runaway" form letter or contact card. If there is no response to the letter/card within 15 days of form being mailed, a supplement will be entered to the Request to Locate report and the case will be suspended. The TCIC/NCIC entry will be modified in accordance with h.(1) below.
- h. If, after 30 days, no information becomes available to locate the subject and no further investigative leads are immediately available, the complainant will be advised of the checks made and should be encouraged to contact a private agency for further locating services. The case will then be suspended.
 - (1) The "Request to Locate" TCIC entry will remain in an effort to locate the individual. The "Miscellaneous" field (MIS) of the entry will be altered to indicate the following: DELIVER MESSAGE-HAVE SUBJECT CONTACT COMPLAINANT AT (phone number provided)". The case will be suspended.
- 3. "Missing Adult" reports involve persons who are missing under circumstances that indicate:
 - a. the missing person is in danger, or
 - b. is not missing voluntarily.
 The assigned Detective will:
 - a. Follow the same guidelines will be followed as for a missing child; and
 - b. Require a written statement from the complainant to support the belief of endangerment to the missing adult.
 - c. If complainant refuses to provide a written statement, or provides a statement which does not support the credibility of endangerment, the case will be handled in accordance with guidelines set forth for "Request to Locate" reports.
- 4. Silver Alert Response (only for elderly 65 or older):
 - a. Detective(s) responding to the scene of an individual 65 or older, who's mental impairment is confirmed with documentation from a medical or metal health professional, and a health/safety risk exist, will contact on-call supervisor, who in turn will relay pertinent information to an available HEADQUARTERS BUREAU – VIOLENT CRIMES 1 LIEUTENANT, enabling them to answer the questions and work through the Silver Alert flowchart.
 - b. Detective(s) will be assigned to staff telephone and printer in office, in order to receive information directed from 311 and 911. Contact Communication supervisor at 974-0911 with the following information:

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

- (1) Phone number staffed by a detective(s).
 - (2) Printer identification number of the printer manned by the detective(s).
 - c. 911 and 311 calls with additional information or location of the abductor and missing person will cause the following to occur:
 - d. Calls will be generated under a Title Code for "SILVER"
 - (1) These calls will require an officer to respond.
 - (2) Each call initiated will be routed immediately to the printer designated and manned by the detective.
 - (3) Any callers with detailed information will be routed directly to the phone number designated by the detective.
- 5. If it is determined the missing adult has an active warrant of detention or arrest, for an offense other than a Class-C offense, and there is not sufficient reason to believe the adult is missing due to circumstances other than the active warrant, the adult is considered a "fugitive from justice" and the active investigation will be suspended. Detectives will ensure the adult remains in TCIC / NCIC either via the warrant hit entry or by modifying the Missing Persons entry (Miscellaneous area) to reflect the active warrant, along with any contact information to assist in confirmation of the warrant. "Request to Apprehend" (4000) title code will be added to the report and a supplement written to reflect the warrant information.
- J. Interviewing Child Witnesses (Refer to General Orders, Policies, and Procedures Document B107, B109 and B216)
- K. Interrogations and confessions (Refer to General Orders, Policies, and Procedures Document B107, B109 and B216)
- L. Handling Juvenile Suspects (Refer to General Orders, Policies, and Procedures Document B109)
- M. Polygraphs (Also refer to General Orders, Policies and Procedures B215)
 - 1. Detectives may utilize polygraph examinations as an investigative tool.
 - 2. The Polygraph Examiner will be briefed by the assigned Detective and provided with a copy of the incident report and any related statements. Unless exigent circumstances exist, the exam will be conducted only after the suspect has been interviewed and the case has been thoroughly investigated.
 - 3. A certified Polygraph Examiner who is not an employee of the Austin Police Department may be used with the approval of the Unit Sergeant.
 - 4. A juvenile must be at least 12 years of age to submit to a polygraph. A legal guardian must sign a waiver in order for a juvenile that is not in custody to submit to a polygraph examination. If the juvenile is in custody, consent from the child's attorney or Juvenile Court is required before the polygraph examination can be administered.
 - 5. The Polygraph Examiner will be contacted immediately whenever a test is cancelled.
 - 6. If an exam is being conducted on a subject who is under arrest, the Detective will have custodial responsibility before, during, and after the test. This includes the removal from and return to jail or the juvenile detention center. Arrested persons will be read the statutory warning prior to the polygraph exam.
 - 7. The results of the exam will be documented in a supplement to the offense report.
- O. Conducting Lineups (Refer to General Orders, Policies and Procedures Document B216).
- P. Criminal Investigations Involving Officers or Civilian Employees

Unit Detectives will immediately notify the Unit Sergeant if, during the course of a criminal investigation, it is learned that an employee the Austin Police Department is identified as a suspect. The Unit Sergeant will inform the Lieutenant who will, in turn, discuss the case with the Division Commander. Criminal investigations involving employees will normally be reassigned to the Integrity Crimes Unit.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

- Q. Case Management (Refer to General Orders, Policies, and Procedures Document B216)
- R. Property and Evidence (Refer to General Orders, Policies and Procedures Document B216)
- S. Release of Information
 - 1. The Commander of Centralized Investigations Division, the Lieutenant of Crimes Against Persons III & Property Crimes Section, the Sergeant of Missing Persons unit, or the Detective assigned an investigation are the only personnel authorized to release information to the news media. No information will be released that will interfere with or prevent the apprehension and prosecution of the suspect(s) during an on-going investigation.
 - 2. No information will be released to family members that will interfere with or prevent the apprehension and prosecution of the suspect(s) during an on-going investigation.
- T. Call Back
 - 1. "Call back" is unscheduled emergency return to work other than regular work hours. This occurs after leaving the job site, on a holiday, or on a regular day off. It does not include overtime or holiday time scheduled in advance.
 - 2. An employee on "Standby" is available to be called to work.
 - a. The employee is expected to be able to receive a call back to duty either by telephone or by pager.
 - b. Employees are required to accept rotational standby status. An employee may, with advance supervisory approval, secure a qualified replacement for all or any part of the assignment.
 - c. Employees on standby status will maintain a normal off-duty lifestyle and participate in normal activities with the following exceptions:
 - (1) Employees will maintain a communications link with the Department and carry a departmentally issued pager or provide a telephone number where they can be reached.
 - (2) While on standby status, employees will remain within a one-hour response time, under normal driving conditions.
 - (3) Employees will comply with General Order A201.
 - d. In accordance with the current policy regarding take home vehicles, employees may be provided a "pool" vehicle in order to respond immediately to a crime scene. Employees must reside within the "buffer zone" established for "take home" and "callback" response-as approved by the Chief of Police, in order to take a vehicle home while on call back status.
 - e. A workweek on standby status is considered Monday 8am through the following Monday 8 am.
 - f. The Unit Sergeant or his designee will make notifications if there are changes in personnel on standby status.
 - g. When standby duty is used as a means to respond to the Department's needs for adequate investigation, the Unit Sergeant will establish a roster rotating all personnel equitably.
 - 3. Compensation
 - a. Employees on standby status will be compensated 8 hours compensatory time simply for being placed on standby.
 - b. Employees on standby status receiving a call back will be paid in accordance with the guidelines regarding this issue in the contractual agreement between the City and Austin Police Association.
 - c. Time worked begins upon departure from home or the place of origin and ends when response is canceled by any supervisor, the assignment is completed or regular duty hours begin.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

.06 Personnel Selection Procedures:

- A. The Sergeant of the Missing Persons Unit is selected and supervised by the Lieutenant of Headquarters Bureau / Violent Crimes I. That selection is based on work experience, interpersonal skills, and general reputation as a Supervisor.
- B. Detectives of the Missing Persons Unit are selected and supervised by the Sergeant of the Missing Persons Unit. That selection is based on:
 - 1. A desire to investigate missing person/runaway cases;
 - 2. Submission of a transfer request, IA records and Training history;
 - 3. Work experience;
 - 4. Interpersonal skills; and
 - 5. General reputation as a Detective or, if newly promoted, general reputation as a Police Officer.

.07 Training and Development

- A. The Sergeant of the Missing Persons Unit will attend mandatory in-service training, firearms qualification, and other specialized training approved by the Department which may include first-line supervision or criminal investigations.
- B. The Detectives of the Missing Persons Unit will attend mandatory in-service training, firearms qualification, and other specialized training approved by the Department.
- C. All personnel will participate in any training mandated by the Department or the City

.08 Annual Inspection

The Missing Persons Unit will cooperate with the Inspections Unit of the Professional Standards Bureau when they perform a staff inspection of the Unit. The purpose of the staff inspection is to compare the Department's formal expectations with the actual performance of the Unit.

.09 Records Management and Special Reporting

- A. Maintenance of Case Jackets
 - 1. All original case jackets on Missing Persons Unit investigations will be maintained secured by the Administrative Associate.
 - a. A copy of the case will be sent to the appropriate Court.
 - b. The original case jacket will be turned over to the Administrative Associate within ten days of case closure.
 - c. The original case jacket will include the complete incident report and any evidence not to be retained in the Evidence Room.
 - 2. Unit Detectives will maintain active cases. These case jackets will be kept out of public view and secured in a locked filing cabinet, or equivalent, when the detective is not in the office.
 - 3. The Administrative Associate will prepare case jackets for long term storage with the Texas State Library and Archives Commission.
 - 4. Copies of any incident reports to be destroyed will be shredded.
- B. Records Retention
 - 1. 441.158, Texas Government Code regulates the retention of records such as offense reports.
 - 2. The term "offense report" includes:
 - a. The original incident report and any supplements;
 - b. Investigative notes;
 - c. Witness statements;
 - d. Confessions;
 - e. Latent fingerprints;
 - f. Results of chemical analysis and polygraph exams;
 - g. Crime scene photographs;
 - h. Mug shots;

<p style="text-align: center;">MISSING PERSONS UNIT STANDARD OPERATING PROCEDURES</p>
--

- i. Photographic lineup and any other photographs pertinent to the investigation;
- j. Laboratory reports;
- k. Arrest reports;
- l. Citations;
- m. Affidavits and arrest/search warrants;
- n. Audio or videotapes and any record relating to a criminal investigation.
- 3. The following documents are to be retained for the specified time period:
 - a. Offense reports when an arrest is made or citation issued:
 - (1) Capital and 1st Degree Felonies - 50 years
 - (2) 2nd/ 3rd Degree and State Jail Felonies - 10 years
 - (3) Class A and B Misdemeanors - 2 years
 - (4) Class C Misdemeanors - 6 months
 - b. Offense reports for cases that are not cleared are retained for the amount of time specified by the statute of limitations for the particular offense (Texas Code of Criminal Procedure Art. 12.01-12.07). The time during which the accused is absent from the state or the time during which the indictment, information, or complaint is pending is not computed in the period of limitation:
 - (1) No limitation on murder and manslaughter;
 - (2) Ten years from the date of commission of the offense:
 - a. Theft of any estate by an executor
 - b. Theft by a public servant of government property
 - c. Forgery
 - d. Indecency with a child by exposure
 - (3) Ten years from the 18th birthday of the victim of the offense:
 - a. Indecency with a child by contact
 - b. Sexual assault of a child
 - c. Aggravated sexual assault of a child
 - (4) Seven years from the date of commission of the offense:
 - a. Misapplication of fiduciary property or property of a financial institution
 - b. Securing execution of document by deception
 - (5) Five years from the date of commission of the offense:
 - a. Theft
 - b. Burglary
 - c. Robbery
 - d. Arson
 - e. Sexual assault, except as provided in section (3)
 - (6) Three years from the date of commission of any other felony offense.
 - (7) Two years from the date of commission of any misdemeanor offense.

10 Collection and Preservation of Evidence:

The Missing Persons Unit will refer to General Orders, Policies, and Procedures Document B208 and the SOAR Detective Operational Manual concerning the collection and preservation of evidence.

- A. Photos of missing persons will be scanned in by the administrative assistant which will then become part of the permanent case jacket. The original photo should be returned to complainant.
- B. Small inexpensive items of evidence can be retained in the permanent case jacket.
- C. Expensive or large items of evidence will be submitted to the Evidence Room.

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

- D. Property seized by a Missing Persons detective for processing or evidence on those cases in which the crime scene search team is not used will be submitted to the proper agency, department, unit, or evidence room, in accordance with departmental policy.
- E. Evidence may not be retained in Missing Persons for more than 24 hours, without a compelling reason, and without the approval of Missing Persons unit supervisor. Whenever evidence is retained in the unit for any length of time, it will be properly tagged, identified, and marked as required by departmental policy. It will then be locked in a secured area.
- F. Vehicles seized for evidentiary processing will be towed by the contract pound wrecker service and;
 - 1. Taken to the Austin Police Department approved secured vehicle facility and stored in a locked bay area; the keys should be placed inside the bay on the key holder;
 - 2. Entered into the impounded vehicle log maintained at the facility;
 - 3. Processed, photographed, and released to the general police impound facility as soon as possible;
 - 4. Released to the owner as soon as possible, if there is no evidentiary need to retain the vehicle.
- G. Missing Persons unit will coordinate with the Forensics Division in order to process crime scenes and collect evidence from crime scenes. Processing and collection of evidence will be according to the most scientifically and technologically sound methods, in order to identify, collect, and preserve as much evidence as possible in every case.
- F. *Case Investigation Follow-up after Forensics "Hit" or Match.*

APD has multiple forensics capabilities that can aid in a criminal investigation, including but not limited to AFIS (Latent Prints), CODIS (DNA), and NIBIN (Ballistics). Detective sergeants will ensure a timely follow-up and documentation by the assigned case detective occurs once notified by Forensics of a "hit" or match.

 - 1. Notification
 - a. Forensics will notify the assigned detective and unit sergeant of a forensics "hit" or match. Notifications will be sent simultaneously via e-mail to the detective assigned in Versadex and the unit e-mail address.
 - b. The unit sergeant will be responsible for ensuring that the unit e-mail address is checked on a daily basis.
 - c. The unit sergeant will ensure that the currently assigned detective is notified of the "hit" or match following one of two methods:
 - i. If the case is closed or suspended, the unit sergeant will reopen the case investigation assigning a new follow-up with a specific completion date. Upon completion, the unit sergeant will ensure that the detective documented their follow-up actions in the reporting system.
 - ii. If the case is still open, the unit sergeant will ensure that the currently assigned detective is aware of the "hit" or match and will approve the follow-up before the case is closed.
 - 2. Documentation

The assigned detective will conduct a follow-up on all notifications of a forensics "hit" or match. The specific action will be documented in a supplement to the offense report. Follow-up includes but is not limited to:

 - a. Notifying the assigned Assistant District Attorney or Assistant County Attorney of a "hit" or match in a case that has already been referred for prosecution whether the case was direct filed by uniformed patrol or an investigative unit. The name of the person so notified will be included in the follow-up supplement and the date that the notification was made
 - b. Documentation in the offense report will include information that identifies if the "hit" or match belongs to the victim or some other person

**MISSING PERSONS UNIT
STANDARD OPERATING PROCEDURES**

with legitimate access to the item or scene where the evidence was recovered.

- c. Notifying the appropriate jurisdiction if the "hit" or match stems from an "Out of City" report.
- d. On property crimes where the "hit" or match results from evidence recovered from the exterior of the location where the crime occurred, the detective will document in the offense report what steps were taken to link the identified "hit" or match to the scene and whether filing a criminal charge can occur.
- e. Filing the appropriate charges when the new forensic information assists in the identification or linking the offender(s) to the offense being investigated.

.11 Equipment/Vehicle Operation and Control:

- A. The sergeant and detectives of the SOAR Unit are authorized to drive unmarked vehicles, or "pool" vehicles, when necessary to conduct Departmental or City business.
 - 1. These vehicles are not to be operated in a pursuit.
 - 2. Collisions will be reported immediately to the Unit Sergeant.
 - 3. The Detectives assigned to a vehicle will notify PCO and complete the necessary form for any maintenance issues concerning the vehicle that are brought to the detective's attention while operating the vehicle.
 - 4. Employees operating City or Departmental vehicles, including "take home" vehicles, will comply with General Order A306.
 - 5. Employees will complete the approved Departmental "Take Home Authorization" form in January of each year
- B. When departmental equipment is lost or stolen, the employee will:
 - 1. Notify their immediate Supervisor
 - 2. Complete the form for reporting lost/stolen equipment; and
 - 3. Write an offense report entitled "Lost or Stolen Property".
- C. The administrative personnel will maintain a list of all equipment assigned to the Unit.

Revised 1-22-2009

Approved:

Sergeant Greg Moss

_____ Date _____

Lieutenant Mark Spangler

_____ Date _____

Commander Julie O'Brien

_____ Date _____



AUSTIN POLICE DEPARTMENT GENERAL ORDERS, POLICIES, AND PROCEDURES

B209

Part B – Enforcement Operations

Chapter 2 – Field and Follow-up Investigations

B209 – Missing Persons

The objective of this policy is to aid officers in the location of missing persons. The elderly, young children, and emotionally, physically or medically dependent missing persons are at especially high risk when lost or abducted. The quick location of these individuals is critical to ensuring their wellbeing and preserving their life. All information gathered and disseminated on missing persons should be directed toward that end.

Additionally this policy provides direction for officers in those cases where family/friends are attempting to locate individuals who have left voluntarily.

.01 Initial Call Determination

The Missing Persons Unit (an on-duty or on-call detective) will be immediately contacted by the field supervisor on the scene of a missing person under the following circumstances:

- A. Aged or senile adults, if the;
 - 1. Person is not capable of being left unsupervised, requiring continuous supervision by a care-giver, or
 - 2. Missing person is 65 or over and has a documented mental or medical impairment which imminently creates a threat to personal safety; the criteria for a Silver Alert may have been met.
- B. Children under the age of 12;
- C. Mentally or physically handicapped individuals, whose impaired ability would create an imminent risk to their safety and well-being;
- D. Suicidal persons, who are missing after immediately taking threatening actions against their life or making imminent threats to their life; or
- E. Any individual who's medical condition or immediate need for medication creates an imminent risk to their safety and well-being; or
- F. If foul play is feared in their disappearance:
 - 1. If circumstances indicate the missing person was kidnapped, the Homicide Unit will also be contacted immediately.
 - 2. If the victim(s) of the kidnapping is under the age of 18, a Violent Crimes Lieutenant will be notified. Based on information provided by investigators, that Lieutenant will decide if the criteria for an Amber Alert have been met.

.02 First Responder Procedure

Officers investigating missing persons calls will do the following:

- A. If the missing individual fits any description outlined in .01 A. thru F. the officer will notify his/her supervisor.
- B. The supervisor will, after contacting the Missing Persons Unit, make a determination as to what type of field search effort will be undertaken in accordance with Patrol SOPs in regards to Missing Persons.
- C. Any employee obtaining information about the missing person outlined in criteria indicated in .01 A. thru F., or their whereabouts will complete an incident/supplement report titled "Missing Adult" or "Missing Child".
- D. If the missing person does NOT fit the criteria outline in .01 A. thru E. the initial officer will conduct an initial investigation, and initiate an incident report titled "Request to Locate" (for an adult) or "Runaway" (for a juvenile).
 - 1. It is vital that the Department protect the privacy rights of those adults, age 18 and older, who are not endangered and voluntarily choose not to have contact with individuals inquiring about their whereabouts. Complainants for "Request to Locate" reports should be encouraged to enlist private locating agencies if

attempting to merely locate an individual whom they have not contacted for a period of time and there is no endangerment factor or health hazard involved and the disappearance may be voluntary on the part of the missing individual.

2. If a "Request to Locate" report is completed, the complainant should be advised that the subject (or missing individual) of the report, if located, will be asked to make contact with the complainant. The Department will NOT reveal the subject's location to the complainant, unless circumstances reasonably justify the release.

.03 Missing Persons Investigative Procedure

- A. When contacted regarding a missing person fitting the criteria in .01 A. thru F. the Missing Persons Unit supervisor will coordinate with the on-scene field supervisor to determine the appropriate response by the unit detective.
- B. If a Missing Persons detective(s) responds to the scene they will be responsible for:
 1. Obtaining a full briefing from the field supervisor and initial officer at the scene;
 2. Coordinate the search effort and investigation in conjunction with Missing Person Unit SOP's; and,
 3. Assisting the on-scene field supervisor with the investigation.

EXECUTIVE SUMMARY

Baltimore, Maryland – Requirements Related to Missing Persons

Introduction

The Baltimore Police Department (“BPD”) is subject to several requirements related to missing persons which are based on both Maryland state law (the “Statutory Requirements”) and local BPD policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

The Statutory Requirements prohibit any law enforcement agency from establishing any mandatory waiting periods before taking a missing person report. The Statutory Requirements do not, however, provide any detailed definition of a “missing person.”

Local Requirements

The Department Policy defines who can be considered a missing person, such as someone missing from his or her normal residence under unusual circumstances, someone missing who has demonstrated a potential for suicide, or someone missing who has a medical condition that is potentially life threatening. The Department Policy also defines who cannot be considered a missing person, such as someone whose disappearance seems to be related to a warrant, someone who has left a note (other than a suicide note) explaining the reason for the absence, or someone who has left as a result of a domestic disagreement and is not a threat to himself or herself or others.

Once someone is determined to be a missing person, the Department Policy requires a law enforcement officer to complete a missing person report and requires the reporting person to sign an affirmation that the facts given in the report are true and accurate. An officer must then examine the area where the missing person was last seen. The Department Policy also requires that all reports involving missing persons with mental or physical disabilities be entered into the National Crime Information Center (“NCIC”) database, although no time period for entry is specified.

Comparison of Requirements for Baltimore Police Department and Requirements for Cleveland Division of Police

The BPD is subject to many fewer requirements than the Cleveland Division of Police (the “CPD”) as related to missing person investigations. While there are some similarities between the requirements, there are also a few distinct differences.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Maryland state law prohibits any mandatory waiting period before taking a missing person report, while Ohio state law has no similar prohibition. However, Maryland state law does not define "missing person," instead leaving the definition to local law enforcement agencies, while Ohio state law does define "missing person."

The BPD's Department Policy defines the criteria used to determine whether a person is considered a "missing person," and it also defines criteria used to determine whether a person is not to be considered a "missing person." The CPD's Department Policy does not include criteria for making this determination. The BPD's Department Policy also requires the person who reports another as missing to sign an affirmation that the facts given in the report are true and accurate, while the CPD's Department Policy contains no similar requirement.

The CPD's Department Policy requires information related to a missing person to be entered in the NCIC database under several circumstances, including when the person is disabled, when the person's safety may be in danger, and when the person's disappearance appears to be involuntary. In contrast, the BPD's Department Policy only requires information to be entered when the person has a mental or physical disability. The CPD's Department Policy also requires investigating officers to contact other departments and organizations to determine whether the missing person has been located, while the BPD's Department Policy does not contain a similar requirement.

SUMMARY

Baltimore, Maryland – Requirements Related to Missing Persons

Baltimore has a population of 634,549, and the Baltimore Police Department (“BPD”) employs 2,998 police officers. Crime in the United States 2008. There were 223 missing person reports filed in 2008. Baltimore Police Department 2008 Annual Report.

Sources of Authority Regarding Baltimore, Maryland, Police Department Requirements Related to Missing Persons

There are two levels of authority that establish the requirements that the BPD must comply with in relation to missing persons: (1) Maryland Public Safety Code sections 3-601, 3-602, and 3-604 (the “Statutory Requirements”); and (2) Baltimore Police Department General Order G-14 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

Maryland state law defines a missing person as a person who is at least 18 years old. When taking a missing person report, all law enforcement agencies in the state must use a uniform report form, referred to as a State of Maryland Missing Person Report (“SOMMPR”). (Md. Code Ann., Pub. Safety § 3-602).

Law enforcement agencies are prohibited from establishing any mandatory waiting periods before taking a missing person report, and they are directed, in general terms, to make every effort to inform the public of this fact. As a result, a law enforcement agency must accept without delay a report of a missing person made in person. Additionally, it may accept a report submitted by phone or other electronic means if the form of reporting is consistent with the policy of the agency, and the reporting person completes the report in person as soon as possible. (Md. Code Ann., Pub. Safety § 3-601)

The Maryland legislature has also directed the Department of State Police (“DSP”) to establish the Silver Alert Program to provide a system for rapid dissemination of information to assist in locating a special class of missing persons. That special class of persons are those: (1) whose whereabouts are unknown; (2) who suffer cognitive impairment such as Alzheimer’s disease or dementia to the extent that the individual requires the assistance of a caregiver; and (3) whose disappearance poses a credible threat to the health and safety of the individual due to age, health, mental or physical disability, environment, or weather conditions, as determined by a law enforcement agency. To implement the Silver Alert program, the DSP was required: to adopt guidelines and develop procedures for issuing a Silver Alert; to provide training to local law enforcement agencies on the guidelines and procedures; to provide assistance to local law enforcement agencies to assist in the recovery of such missing persons; to recruit broadcasters

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

and the public to assist in developing and implementing a Silver Alert; to consult with the State Highway Administration to use dynamic messaging signs to provide information about Silver Alerts; and to consult with the State Department of Education to develop a program to allow high school students to assist in the search. Under the program, a caregiver or the person filing the missing person report must immediately notify the local law enforcement agency and the DSP if the missing person is located and if it is unlikely that the law enforcement agency or DSP has knowledge that the missing person has been located. (Md. Code Ann., Pub. Safety § 3-604)

Local Requirements

The Department Policy is the BPD's written procedure for the investigation of missing persons, and it states that the policy of the BPD is to conduct a comprehensive investigation to locate persons who are reported missing.

Under the Department Policy, a missing person is:

- Any person last seen and/or whose last location was in Baltimore City;
- A person who is missing from his or her normal residence under unusual circumstances and whose present location is not known;
- A person who is missing and is of diminished mental capacity or has a medical condition that is potentially life threatening, even if the absence is proven to be voluntary;
- A patient admitted to any mental or medical facility that leaves such facility without notifying any personnel employed by that facility;
- A person who is missing and has demonstrated a potential for suicide;
- A person whose disappearance is related to a drowning or other disaster;
- A person who leaves Baltimore City travelling to a foreign jurisdiction, and who fails to arrive within a reasonable time; or
- A person who is missing under any circumstances and is under the age of 18.

Under the Department Policy, the following are not considered missing persons:

- Persons whose disappearance appears to be related to the issuance of a warrant;
- Persons who have left notes (other than suicide) explaining the reason for their absence;
- Persons who have left as the result of a domestic disagreement and are not a threat to themselves or others;
- Persons whose whereabouts are unknown but have contacted family, friends or acquaintances (unless they suffer from mental or medical complications); or
- Persons being sought for business or social purposes such as debt collections or school reunions.

The Department Policy defines a "reporting person" as normally a close relative of the missing person, but may be a roommate, a close friend who has frequent contact with the missing person, or an employer. Generally, the reporting person is one who knows what is unusual or out of character for the missing person.

The Department Policy reiterates the state law requirement that there is no waiting period for reporting a missing person and that under no circumstances shall a reporting person be advised that they must wait a specific time period before a report can be made.

If the facts of the case meet the criteria for a "missing person," the law enforcement officer must complete a Missing Person Report. The reporting person is required to sign a statement at the end of his or her narrative affirming that the facts contained in the report are accurate and true to the best of the person's knowledge and belief.

Once the report is taken, an officer must examine the area where the missing person was last seen. The officer is first directed to seek written permission from the person controlling the area in order to survey the location. The officer should then determine if any of the missing person's personal items are missing. If, during the examination, there are signs of any unusual physical condition which would cause an officer to believe the area may be a crime scene, the officer must immediately cease any further examination, secure the scene, and seek guidance from a supervisor regarding the need for obtaining a search and seizure warrant and/or the Mobile Crime Lab Unit to continue the investigation.

All missing persons must be entered into the Missing Persons District Logbook. The Central Records Section Director must ensure that all missing persons with mental and physical disabilities are entered into the Maryland Interagency Law Enforcement System ("MILES") and the National Crime Information Center ("NCIC") computer networks, although no time period for entry is specified in the Department Policy.

Comparison of Requirements for Baltimore Police Department and Requirements for Cleveland Division of Police

The BPD is subject to many fewer requirements than the Cleveland Division of Police (the "CPD") as related to missing person investigations. While there are some similarities between the requirements, there are also a few distinct differences, as detailed below.

Maryland state law prohibits any mandatory waiting period before taking a missing person report, while Ohio state law has no similar prohibition. However, Maryland state law does not define "missing person," instead leaving the definition to local law enforcement agencies, while Ohio state law defines a missing person as one who (1) has a physical or mental disability, (2) is missing under circumstances that indicate the person may be in danger, or (3) is missing under circumstances that indicate the disappearance was not voluntary.

The BPD's Department Policy defines the criteria used to determine whether a person is considered a "missing person," and it also defines criteria used to determine whether a person is not to be considered a "missing person." The CPD's Department Policy does not include criteria for making this determination. The BPD's Department Policy also requires the person who reports another as missing to sign an affirmation that the facts given in the report are true and accurate, while the CPD's Department Policy contains no similar requirement.

The CPD's Department Policy requires information related to a missing person to be entered into the NCIC database under several circumstances, including when the person is disabled, when the person's safety may be in danger, when the person's disappearance appears to be involuntary, and when the person is missing after a catastrophe. In contrast, the BPD's Department Policy only requires information to be entered when the person has a mental or physical disability. The CPD's Department Policy also requires investigating officers to contact other departments and organizations, such as the Warrant Unit and County Coroner's Office, to determine whether the missing person has been located, while the BPD's Department Policy does not contain a similar requirement.



General Order G-14

Subject		
MISSING PERSONS		
Distribution	Date Published	Page
"A"	11 December 2002	1 of 7

POLICY

It is the policy of the Baltimore Police Department to conduct a comprehensive investigation to locate persons who are reported missing.

DEFINITIONS

Law Enforcement Agency - A state, county or municipal police department or agency, or a sheriff's department. (*Annotated Code of Maryland, Article - Family Law - §9-401 (B)*)

Missing Child - A person who is under the age of 18 years and the subject of a Missing Persons Report filed with a law enforcement agency in the state and whose whereabouts are unknown. (*Annotated Code of Maryland, Article - Family Law - §9-401 (C)*)

Missing Person - Any person last seen and/or whose last whereabouts was in Baltimore City, or:

- Is missing from their normal residence under unusual circumstances and whose present whereabouts is not known.
- Is missing and is of diminished mental capacity or has a medical condition that is potentially life threatening, even if the absence is proven to be voluntary.
- A patient admitted to any mental or medical facility that leaves such facility without notifying any personnel employed by that facility.
- Is missing and has demonstrated a potential for suicide.
- Their disappearance is related to a drowning or other disaster.
- Who leaves Baltimore City travelling to a foreign jurisdiction, and who fails to arrive within a reasonable time.
- A person who is missing under any circumstances and is under the age of 18.
- The following persons are **not** considered missing persons:
 - Persons whose disappearance appears to be related to the issuance of a warrant.
 - Persons who have left notes (other than suicide) explaining the reason for their absence.
 - Persons who have left as the result of a domestic disagreement and are not a threat to themselves or others.

- Persons whose whereabouts are unknown but have contacted family, friends or acquaintances (unless they suffer from mental or medical complications).
- Persons being sought for business or social purposes such as debt collections or school reunions.

Reporting Person - Normally a close relative of the missing person, but may be a roommate, a close friend who has frequent contact with the missing person, or an employer.

- The reporting person knows what is unusual or out of character for the subject.
- Timely reporting is essential for young, elderly, sick or mentally deficient persons.

GENERAL RESPONSIBILITIES

- Under no circumstances shall a reporting person be advised that they must wait a specific time period before a report can be made. There is **NO** waiting period for reporting a missing person.
- Complete a Missing Persons Report if the facts of the case meet the criteria for a missing person. Ensure the Reporting Person signs the following statement at the end of the narrative:
 - "I declare and affirm that the facts contained in this report are accurate and true to the best of my knowledge and belief."
- Examine the area where the missing person was last seen. The area where the missing person was last seen is an extremely important starting point of the investigation. Seek written permission (*Form 75/29 Permission For Search*) from the person controlling the area in order to survey the location. It should be carefully examined for signs of any unusual physical condition which would cause an officer to believe the area may be a crime scene. If such a concern does arise, immediately cease any further examination and secure the scene. Seek guidance from your supervisor regarding the need for obtaining a Search and Seizure Warrant and/or the Mobile Crime Lab Unit to continue the investigation.
- Determine if any of the missing person's personal items (clothing, suitcase, cash, bank books, etc.) are missing.
- Enter ALL missing persons into the Missing Persons District Logbook.

MISSING ADULTS - INVESTIGATION AND REPORTING

REQUIRED ACTION

Member

- Determine whether the facts of the case meet the criteria for a missing person.

- Determine if the facts of the case warrant contacting the Missing Persons Unit Supervisor.

Director, Central Records Section

- Ensure all Missing Persons with mental and physical disabilities are entered into the Maryland Interagency Law Enforcement System (MILES) and the National Crime Information Center (NCIC) computer networks.

Missing Persons Unit

- Conduct appropriate follow-up investigations and provide advice as necessary.

MISSING CHILDREN - INVESTIGATION AND REPORTING**REQUIRED ACTION****Member**

- Write a Missing Persons Report when a child is reported missing.
- Institute appropriate search procedures to locate the missing child.
- Determine if:
 - The missing child has ever been the subject of a prior missing persons report or has previously been the subject of a child abuse report by:
 - Asking the child's parent or guardian or the reporting person.
 - Contacting the Hot Desk, Central Records Section.
 - Conducting a query of Lotus Notes/Missing Persons Unit.
 - The missing child suffers from a mental or physical handicap or illness.
 - The disappearance of the missing child is of a suspicious or dangerous nature.
 - The person filing the report of a missing child has reason to believe that the missing child may have been abducted.
 - The missing child is under **14** years of age.
- Notify KGA immediately and provide a complete and accurate description. Advise KGA if the missing child:
 - Has a serious medical or mental condition such as senility, retardation or heart condition.
 - Is disabled.
 - Is a potential suicide victim.

NOTE: If any one of these conditions exist, call the Division of Child Protective Services, Department of Social Services, and to the extent possible, get any information that may assist in locating the missing child.

- When appropriate, enlist the aid of the Maryland State Police in locating the missing child.
- The Missing Persons Unit, Criminal Investigation Division, will take responsibility for those investigations involving children under the age of **14** as well as vulnerable adults when requested to do so by the district or any other unit. A Duty Investigator is available through the Communications Section during non-business hours.
- Include as many telephone numbers of those person(s) contacted as possible in your initial report.
- Obtain a recent photograph of the missing child. Write on the back of the photograph the juvenile's name, their position in the picture, and the Central Complaint number. All pictures of missing persons under the age of **14**, as well as those cases in which the Missing Persons Unit takes responsibility, should be hand carried as soon as practical, but within the tour of duty, to the Missing Persons Unit.

NOTE: Time is of the essence when conducting investigations of missing children and vulnerable adults.

- Advise the Reporting Person to call the Baltimore Police Department when the missing child has been located.
- Promptly call the Hot Desk, Central Records Section, for immediate NCIC entry of the missing child's information. Note this call in the Missing Persons Report.
- Notify the Hot Desk when a missing juvenile is found or returns.

Supervisor

- Ensure investigations are properly conducted, and reports are accurately completed and forwarded to the Central Records Section.
- When necessary, assist in locating the missing child.
- Make a copy of the entire report and send it to the Missing Persons Unit, Criminal Investigation Division, when the person is under the age of **14** or a vulnerable adult.
- Enter the necessary information into the Missing Persons District Logbook, highlighting juveniles under the age of **14**, vulnerable adults, and those cases referred to the Missing Persons Unit.

NOTE: Parental Abductions are handled by the district and stranger abductions are handled by the Homicide Unit, Criminal Investigation Division.

Shift Commander

- Notify the Maryland State Police if the missing child has not been located after 24 hours and complete a supplement report noting this action.
- Ensure investigative follow-ups are comprehensive and conducted in person with an emphasis on re-contacting the complainant until the missing child is located. Telephonic contacts should only be supplemental. All follow-up attempts must be entered into the Missing Persons District Logbook.

District Commander

- Establish a Missing Persons District Logbook.
- Designate a member to maintain a Missing Persons District Logbook to include the following:
 - Name.
 - Race.
 - Sex.
 - D.O.B.
 - Address.
 - Phone Number.
 - Date Reported Missing.
 - Central Complaint Number.
 - Follow-up Attempts.
 - Disposition/Date Returned.
- Districts will be responsible for conducting investigative follow-ups unless the missing person is under the age of **14**. The district will continue with the investigative follow-ups until the person is located. If exigent circumstances or complicated investigations arise, consult the Missing Person's Unit Supervisor.

NOTE: There is no five-day rule as it pertains to missing person investigative follow-ups.

- Designate a member to ensure that investigative follow-ups on cases that fall within the purview of the district's responsibility are conducted until the missing person is located. That member shall act as a liaison with the Missing Persons Unit.
- Ensure the aforementioned procedures are followed by investigating officers, sector supervisors and shift commanders when investigating reports of missing children.

Director, Central Records Section

- Ensure all necessary and available missing children information is immediately entered into the Maryland Interagency Law Enforcement System (MILES) and the National Crime Information Center (NCIC) computer networks.

- Ensure a copy of the Missing Persons Report involving the missing child is sent to the Maryland Center for Missing Children.
- Ensure an appropriate records search is conducted for prior Missing Persons or Child Abuse Reports on each reported missing child.
- Ensure copies of Missing Persons Reports that involve children under the age of **14** are forwarded to the Missing Persons Unit as soon as possible. All other reports should be maintained at the district of occurrence.

Chief, Criminal Investigation Division

- Upon receipt of a Missing Persons Report that requires a follow-up, ensure a comprehensive follow-up is conducted. Advise the district of occurrence when you assume responsibility.
- Assume responsibility for investigations and/or follow-up for children under the age of **14** and vulnerable adults.

RECISION

Remove from files and destroy/recycle General Order G-14, "Missing Persons", dated 10 February 1995.

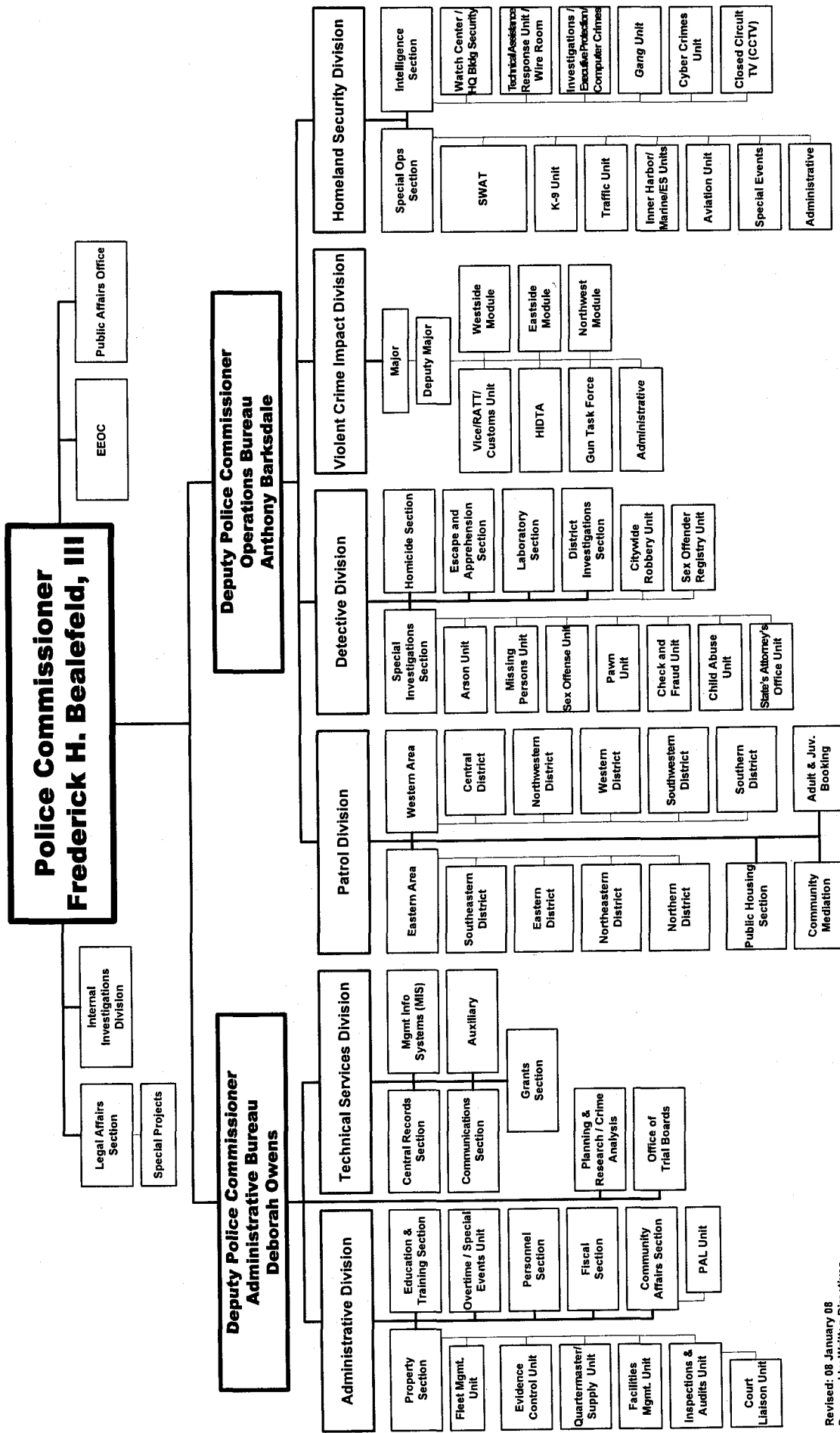
NOTE: This Order will supersede all current departmental procedures or any portions thereof addressing similar Missing Persons related issues.

COMMUNICATION OF POLICY

Supervisors shall be responsible for communication of this directive to their subordinates and to ensure compliance. This directive is effective on the date of publication and is to be read at all roll calls for five consecutive days and posted on Departmental Bulletin Boards.

By Order Of Edward T. Norris Police Commissioner

Baltimore Police Department Organizational Chart



EXECUTIVE SUMMARY

Burlington, Vermont – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Burlington Police Department (“BPD”) must comply with in relation to missing persons investigations. The Vermont Statutes impose missing person investigative requirements and uniform reporting requirements (collectively the “Statutory Requirements”) on the BPD. Additionally, the BPD has implemented a Department Directives for Missing Persons (the “Department Policy”).

State Law Requirements

The Statutory Requirements mandate the BPD to prepare missing person reports and disseminate the reports to other law enforcement agencies, the Commissioner of Public Safety, the media, and to the Department of Public Health. Under the Statutory Requirements, the BPD is also required to commence searches of missing persons. Additionally, the BPD is required to use uniform missing person reports for purposes of entry into the state system of criminal records maintained by the Vermont Criminal Information Center (“VCIC”).

Local Requirements

The Department Policy establishes procedures for initiating missing person reports, investigating missing person cases, and transferring urgent cases to the Detective Services Bureau. The Department Policy also provides guidelines for entering information into VCIC.

Comparison of Requirements for Burlington Police Department and Requirements for Cleveland Division of Police

The BPD and the Cleveland Division of Police (“CPD”) are subject to very different requirements in relation to missing person investigations.

At the state level, Vermont’s statutory definition of missing person excludes adults without disabilities, while Ohio’s statutory definition includes adults without disabilities whose disappearance was not voluntary. Additionally, Vermont’s Statutory Requirements do not require Vermont to implement a missing adult alert program. Conversely, Ohio has a Missing Adult Alert that is issued in circumstances indicating a credible threat of immediate danger. Lastly, the BPD is not directly responsible for entering information into the National Crime Information Center. Instead, the Statutory Requirements place the responsibility of entering missing person information on the VCIC.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

At the local level, the BPD Department Policy contains a few additional requirements that are absent from the CPD General Police Order 6.2.10 ("GPO"). For example, the BPD is required to immediately transfer a missing person case to the Detective Services Bureau if the adult is mentally ill or circumstances indicate that the case is of an urgent nature. Additionally, Department Policy permits officers to request to submit a missing person's fingerprints to the FBI, if available. Lastly, when a missing person is located, the BPD is required to interview the person.

SUMMARY

Burlington, Vermont – Requirements Related to Missing Persons

Background Information on the City of Burlington and the Burlington Police Department

Burlington is the largest city in Vermont with a population of approximately 38,897. July 1, 2008 U.S. Census Bureau estimate. The Burlington Police Department (“BPD”) employs approximately 89 police officers. Crime in the United States 2008.

Sources of Authority Regarding Burlington Police Department Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the BPD must comply with in relation to missing persons: (1) the Vermont Statutes, title 20, sections 1820-1828 (the “Statutory Requirements”); (2) the Vermont Statutes uniform reporting requirements; and (3) the BPD Department Directive for Missing Persons. All sources referenced in this Summary are attached.

Vermont Statutory Requirements

The Vermont Statutes define a missing person as an individual whose whereabouts are unknown AND who is either: (a) physically disabled; (b) mentally disabled; OR (c) an unemancipated minor. (20 V.S.A. § 1820).

Under the Statutory Requirements, a member of the public who reports a missing person to a law enforcement agency must file a missing person complaint.¹ (20 V.S.A. § 1821). At a minimum, the complaint must include:

- The missing person’s name, age, address, and identifying characteristics
- The length of time the person has been missing
- The name of the complainant and the complainant’s relationship to the missing person
- Any other relevant information

Id.

Once a law enforcement agency receives a missing person complaint, the law enforcement agency must notify all law enforcement personnel on duty and prepare a missing person report. (20 V.S.A. § 1822). The report must include all information included in the missing person

¹ The statute does not state how or where a missing person report must be filed. However, the BPD accepts reports over the phone or in person.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

complaint and any other information that may have been gathered in a preliminary investigation. Id. Once law enforcement has completed the report, it must forward a copy to:

- the Commissioner of the Department of Public Safety
 - all law enforcement agencies within the jurisdiction where the missing person lives or was last seen
 - any other law enforcement agencies that can reasonably be expected to be involved in the investigation
 - all law enforcement agencies that the complainant reasonably requests the report be sent
 - any law enforcement agency that requests a copy
 - all media in the region where the missing person lives or was last seen
- A law enforcement agency is not required to send the report to the media if disclosure would impede the investigation OR the complainant requests that the report not be disclosed to the media.

(20 V.S.A. § 1823).

If the missing person is an unemancipated minor, then the law enforcement agency must also immediately send a copy of the report to the Department of Public Safety for inclusion in the National Crime Information Center. (20 V.S.A. § 1825).

As soon as the report is prepared or received, the law enforcement agency must commence a search for the missing person. (20 V.S.A. § 1826). The Statutory Requirements do not contain any explicit search or investigation procedures, other than specifically prohibiting any rule that specifies a time limitation before a missing person investigation can commence.² Id.

Additionally, under the Statutory Requirements, the Commissioner of Public Safety must support all law enforcement agencies in matters relating to missing persons, and must coordinate with local and state efforts to search for and rescue the missing person. (20 V.S.A. § 1827).

Vermont Statutes Uniform Crime Reporting

The Vermont Criminal Information Center ("VCIC") is one of the Criminal Justice Services Programs of the Department of Public Safety and serves as the state's repository for criminal records. Vermont state law requires that municipal police departments cooperate with and assist the VCIC in creating and maintaining a system of records, including missing person records. (20 V.S.A. § 2053). The Vermont Statutes mandate that the VCIC provide all municipal police departments with uniform forms for reporting missing persons. (20 V.S.A. §

² The prohibition against waiting periods is mandated by §5779(a) of the Crime Control Act of 1990, as amended in 2003 by Suzanne's Law.

2054). If a BPD officer, or any other municipal officer, fails to complete or file the required missing person form, the officer will be fined up to \$100 per violation. (20 V.S.A. § 2054).

In addition, the Vermont Statutes also require all law enforcement agencies, including municipal police departments, develop and maintain a system for filing missing person complaints and reports. (24 V.S.A. § 2294).

The Burlington Police Department Directive for Missing Persons

The BPD Department Directive for Missing Persons, Document Number 03-DD06.28, ("DDMP") outlines procedures for investigating missing persons, criteria for missing person's reports, and guidelines for entering information into VCIC.

I. Policy and Purpose

According to the DDMP, receiving reports of missing persons is a common occurrence in most communities. The DDMP states that the policy of the BPD is to investigate reports of missing persons, when it has been reported that the person's last known location was within the city of Burlington. The DDMP does not address what police department is responsible for investigating a missing person who is a Burlington resident, but was last seen in another city in Vermont. The purpose of the DDMP is to: (1) investigate all reports of missing persons; and (2) identify cases that need immediate police action from the outset.

II. Preliminary Procedures

A. Initiating a Report

There is no minimum amount of time which must lapse before a missing persons complaint can be initiated. If a complainant knows the missing person's location, then a police officer must provide reasonable assistance for the sake of public relations, but must not treat the report as a missing person complaint.

B. Recording and Transmitting a Report

The DDMP requires the officer to record information into the Missing Persons Report form, upon receipt of a report of a missing person. The Missing Persons Report form must include: the date of the report; the officer's name; the complaint number; the complainant's name, telephone number, address, and relationship to the missing person; the circumstances surrounding the disappearance; whether the person has been reported missing before; and all information on the missing person. The form requires the following missing person's information to be filled out:

- Name, age, date of birth, address, phone number
- Physical description including height, weight, build, eye color, race, scars/marks/tattoos, hair color, and hair style and length

- Description of the clothes that the person was last seen wearing
- The date, hour, and location where the person was last scene
- State of mind
- Medical and physical defects
- Whether the person is presently under a doctor's care or taking medication
- Place of current employment or schooling
- Driver's license information and vehicle information
- Mother and father's name, address, and phone number
- Name, address, and phone number of relatives of friends who may have information

Upon receiving a call reporting a missing person, the dispatcher must fill out a hot sheet and a general broadcast card ("GBC"), which are then filed alphabetically. A copy of the GBC card is forwarded to records. If either the dispatcher or the investigating officer identifies the situation as being an emergency, then the following information must also be recorded:

- The extent of the any search already performed by the caller or other parties
- Other information that may be useful in assisting investigating officers including: particular habits or personal interests of the missing person, places frequented, or the location of out of town relatives or friends

However, the DDMP does not define or describe circumstances that constitute an emergency. Additionally, the officer must record the following information on the Missing Person Broadcast form:

- Date and time of call
- Time and location where the person was last scene
- Physical description of the missing person and other identifying information
- Incident number and officer's number who was assigned to the call

Once the officer has filled out the Missing Persons Report and the Missing Person Broadcast Form, then the officer must notify the Officer-in-Charge about the nature and status of the report. By the end of the officer's shift in which the report was received, the officer must also forward a copy to the Detective Services Bureau ("DSB") and the records department.

C. Entering Information into Vermont Criminal Information Center and National Crime Information Center

According to the DDMP the dispatcher, not the officer, has the responsibility of entering information into VCIC. The dispatcher must enter the missing person's information into VCIC immediately if the missing person is a juvenile, or is an adult who: (a) has a physical or mental disability; (b) is in the company of another person under circumstances indicating that his/her physical safety may be in danger; (c) may have disappeared involuntarily; or (d) is missing after a catastrophe.

Under the DDMP, a missing adult's information will only be entered into the National Crime Information Center ("NCIC") if the entering agency has signed documentation supporting the conditions under which the person was declared missing. The documentation must be from a parent, legal guardian, next of kin, physician, or under unusual circumstances may be a friend or neighbor. If signed documentation is not reasonably attainable, then a signed report by the investigating officer is sufficient.

D. Dispatching an Officer

The dispatcher must dispatch an officer to conduct an investigation relative to the missing person. The investigating officer must start an investigation and make reasonable attempts to obtain a photo of the missing person. The officer must also contact the Officer-in-Charge so that the Officer-in-Charge can review the circumstances of the missing person complaint and determine what steps are necessary (i.e. call in the canine unit; refer the incident to the Detective Services Unit, or the State Attorney).

III. Transferring Cases to DSB

Under the DDMP, if the initial investigating officer determines that the missing person is a child or a mentally ill person, or circumstances indicate that the case is of an urgent nature, then the case will be transferred to a DSB investigator. The DSB investigator is then required to re-interview the person who initiated the original missing person report. The DSB investigator must also do the following:

- Obtain a photograph of the missing person
- The investigating officer shall inquire if inked fingerprint impressions are available
- Conduct an immediate investigation to locate the individual

If the missing person case is not immediately transferred to DSB, then the Uniform Services Bureau will remain assigned to the case for a period of ten days. During those ten days, it is the responsibility of the officer taking the initial complaint to conduct subsequent investigations for the missing person. After the ten day period, cases are automatically assigned to the DSB.

IV. Fingerprints

Under the DDMP, if the missing person's fingerprints are available, then the officer may request to submit the inked impressions to the FBI. The FBI will accept fingerprints of adults if any of the following criteria is met:

- The missing person has a physical or mental disability, or suffers from senility thereby subjecting himself/herself or others to danger
- The missing person is in the company of another person under circumstances indicating that the missing person's safety is in danger
- The missing person's disappearance may not have been voluntary

VORYS

Prior to submitting the fingerprint card to the FBI, the DSB Lieutenant must insure that the missing person's information has been entered into NCIC by Record Division personnel.

The fingerprint card must contain the following information:

- Agency name and originating agency identifier
- The words "missing person" followed by the applicable NCIC entry criteria number
- NCIC record number received by the BPD in response to its entry into the NCIC Missing Person file

The fingerprint card must be mailed to the FBI and be accompanied with a cover letter that summarizes the incident and contains a description of the missing person.

V. Medical and Dental Records

According to the DDMP, if the missing person has not been located within ten days, then the DSB Lieutenant must make sure that written consent is requested from the next of kin, for the release of the missing adult's medical and dental records to the BPD.

VI. Media Assistance

The DDMP states that notification to the general public through the news media may be a valuable tool in locating a missing person. The DDMP requires that the decision to use the media must be authorized by the Chief of Police or his or her designee. Before authorizing disclosure to the media, the Chief of Police must consult the family of the missing person.

VII. Re-Contact with Reporting Person

Officers assigned to missing person investigations must keep in frequent contact with the reporting person. If the missing person is located, the investigating officer must notify the reporting person as soon as possible.

VIII. Procedures When a Missing Person is Located

The DDMP requires that an officer who locates a missing person to interview the person and ascertain the circumstances as to why the person went missing and the person's location during this period. The officer must compile this information into a report and include the circumstances surrounding the missing person's discovery. The DDMP requires the officer to specifically note any difficulties encountered, such as whether the person was reluctant to return home. It is the responsibility of the Officer-in-Charge to insure that the officer that located the missing person files the report.

Additionally, the officer who locates a missing person must also notify the dispatcher who will immediately remove the copy of the missing person's GBC card from the file. If a dispatcher receives a cancellation call on a missing person, the dispatcher must verify the cancellation by calling the original complainant to make sure the call was not a false report. If the missing person was in fact located, then the dispatcher must make notations in the report field of the original case. According to the DDMP, it is the responsibility of Communications personnel to insure that all NCIC, GBC, and hot sheet entries are deleted. Copies of all records must be submitted to the Record Division for proper filing.

IX. Record Keeping

According to the DDMP, it is the responsibility of the Administrative Services Bureau Lieutenant to insure the integrity of all BPD records. In an effort to comply with the VCIC/NCIC and to help the coordination of the BPD's reporting process, the DDMP requires the Record Division to do the following:

- On a monthly basis, complete an audit of all missing persons to assure the BPD's records match the existing VCIC/NCIC records
- Make contact with the investigating officer or complainant, if need be, to insure the accuracy of the monthly audit
- If the subject is still reported as missing, then the records personnel must supply the investigating officer with the NCIC Missing Person File and the Data Collection Entry Guide
- When notified that a missing person has been found, records personnel must fill out and submit an NCIC Cancellation form to VCIC. Records personnel must also make sure that all GBC and VCIC entries are cancelled.

Comparison of Requirements for Burlington Police Department and Requirements for Cleveland Division of Police

The BPD and the Cleveland Division of Police ("CPD") are subject to very different requirements in relation to missing persons investigations. The differences are outlined below.

I. The Vermont Statutes' Definition of Missing Person Excludes all Adults Without Disabilities

The Ohio Revised Code defines a missing person to include a person that is eighteen years of age or older who is missing under circumstances indicate that the person's safety may be in danger or under circumstances that indicate that the disappearance was not voluntary. In comparison, the Vermont Statutes define a "missing person" as an individual whose whereabouts are unknown AND who is either: (a) physically disabled; (b) mentally disabled; OR (c) an unemancipated minor. Thus, the Vermont definition excludes adults that have no disabilities, even if the adult is missing under circumstances that indicate that the adult may be in danger or was taken involuntarily. However, this is solely a problem of statutory construction, because as stated in the DDMP, the BPD investigates all missing persons who were last seen within the city

of Burlington. Thus, the BPD investigates reports of missing adults regardless of the existence of disabilities.

II. Vermont does not have a Missing Adult Alert Program

Ohio has a Missing Adult Alert program, for reports indicating a credible threat of immediate danger, but Vermont has no comparable alert program in place. Recent legislation was proposed in February 2009, that would require Vermont to establish the "Vermont Missing Vulnerable Persons Alert Program" but nothing has happened with the proposed legislation since February.

III. Law Enforcement Officers may not be Responsible for Entering Information into NCIC

Under Ohio law, law enforcement agencies are directly responsible for entering information into NCIC. However, in Vermont officers fill out NCIC forms and send the forms to VCIC, who in turn inputs the information into NCIC.³

IV. Differences in Investigative Procedures

Both the CPD and the BPD have written policies and procedures that must be complied with when a missing person is reported. However, these policies have the following differences:

- Under the BPD DDMP, officers transfer some missing person cases immediately to the DSB for investigation. If the initial investigating officer determines that the missing person is a child or a mentally ill person, or circumstances indicate that the case is of an urgent nature, then the case will be transferred to a DSB investigator. If the case doesn't fall under one of those categories, then the initial investigating officer will continue the investigation for a period of ten days, after which, the case will then be transferred to DSB.
- The BPD does not require a release form to release photographs to the public, although the Chief of Police must consult the family before the media is involved in the case.
- Under the DDMP, if the missing person's fingerprints are available, then the officer may request to submit the inked impressions to the FBI.
- The DDMP requires an officer who locates a missing person to interview the person and ascertain the circumstances as to why the person went missing and the person's location during this period. The officer must also specifically note any difficulties encountered, such as whether the person was reluctant to return home.
- When a missing person is located, dispatch is required to immediately remove the copy of the missing person's GBC card from the file and update the report field.
- If a dispatcher receives a cancellation call on a missing person, the dispatcher must verify the cancellation by calling the original complainant.

³ However, according to the DDMP, Record Division personnel will supply the investigating officer with the NCIC Missing Person File and the Data Collection Entry Guide, which implies that the officer will be entering data.



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE**

		Number: 03-DD06.28
Date Issued: 2/12/1995		Reviewed Date: 11/14/2006
Subject : MISSING PERSONS Chapter: 3		New: <input checked="" type="checkbox"/> Amends 41-DD95.07 & 03-DD95.07 ____ Rescinds:
Authorized Signatures: Deputy Chief: Walter C. Decker Chief of Police: Thomas R. Tremblay		Page 1 of 8

POLICY: The reporting of missing persons is a common occurrence in most communities. Missing person reports range from juveniles that are late in arriving home to reports of abductions or persons missing under unusual circumstances. **It is the policy of this department to investigate reports of missing people, when it has been reported that the person's last known whereabouts was within the City.**

PURPOSE: The purpose of this directive is to assure the investigation of all reports of missing persons and to insure cases that indicate a need for immediate police action are identified at the outset. The design of this directive is to set forth the criteria for missing person's reports and to provide guidelines for entering information about missing persons into the Vermont Criminal Information Center (VCIC).

- CONTENTS:**
- I. Preliminary Procedures
 - II. Emergency Situations
 - III. Juvenile Runaway/Missing Person
 - IV. Follow-up Investigation
 - V. FBI Analysis of Fingerprints of Missing Persons
 - VI. Medical and Dental Records
 - VII. Media Assistance
 - VIII. Re-contact with Reporting Person
 - XI. Location of Missing Persons
 - X. Cancellation
 - XI. Sources

I. PRELIMINARY PROCEDURES

- A. There is no minimum amount of time, which must elapse before a missing persons complaint can be initiated.
- B. **NOTE:** Any situation where the complainant knows the missing person's location shall not be considered a missing person complaint for the purposes of this procedure. However, reasonable assistance should be given to a complainant for the sake of good public relations.
- C. Upon receipt of a report of a missing person, the officer shall record all the required information, which shall serve as the dispatch record of the missing person. Additionally, the following information shall be recorded on the Missing Person Broadcast (Form 252 {Shift F3 on DMV Computer} Appendix B):
 - 1. Date and time of call.
 - 2. Location from which the missing person was reported missing or lost and time he/she was last seen.
 - 3. Physical description of the missing person and other identifying information as available.
 - 4. Incident number and officer number assigned to call. Officer shall then notify OIC as to the nature and status of the report.
- D. The dispatcher shall ensure that BOLs, GBCs and VCIC broadcasts shall be made as appropriate to the case. Entry shall be made on the hot sheet and the original card, with a copy of the GBC, shall be filed alphabetically. The yellow copy of the card should be forwarded to records.
- E. Immediate entry into VCIC by a dispatcher will be made for all missing juveniles and for missing adults who fit any of the following criteria:
 - 1. A person of any age who is missing and under physical/mental disability.
 - 2. A person of any age who is in the company of another person under circumstances indicating that his/her physical safety may be in danger.
 - 3. If the disappearance may have been involuntary, (i.e. abduction) see Section II Emergency Situations.
 - 4. Any person who is missing after a catastrophe (Refer to NCIC Operations Manual for criteria for entry in missing person file.). S-1
- F. A missing adult who is declared emancipated by the laws of his/her state of residence may only be entered into NCIC as missing if the entering agency has signed documentation supporting the stated conditions under which the person is declared missing. The documentation must be from a parent, legal guardian, next of kin, physician, or in unusual circumstances a friend or neighbor. In the absence of such documentation or when such documentation is not reasonably attainable, a signed report by the investigating officer will suffice.

- G. The dispatcher shall follow the procedures relative to the prioritization of calls and shall dispatch an officer to conduct an investigation relative to the missing person. The investigating officer shall make reasonable attempts to obtain a photo of the missing person. S-2
- H. The Officer-in-Charge (OIC) will immediately review the circumstances of each missing person complaint based on the preliminary investigation and determine referral of incident (i.e., canine call in, Detective Services Bureau, State Attorney, etc.).

II. EMERGENCY SITUATIONS

- A. In cases where the dispatcher or investigating officer identifies the situation as being of an emergency nature, the following additional information shall be recorded at the time of the call for service:
 - 1. The extent of any search already performed by the caller or other parties.
 - 2. Time and place when the missing person was last seen.
 - 3. Other information that may be useful in assisting investigating officers in locating the person (for example, particular habits or personal interests, places frequented, location of out of town relatives or friends, etc.).
 - 4. Relationship of the caller to the person reported missing.
- B. If warranted, such as a child abduction case, the Vermont Amber Child Abduction Alert will be activated. Once responding officers and the OIC have determined that an Amber Alert is appropriate, the paperwork packet must be completed by dispatch (Appendix F). This is in addition to our standard procedures for BOLs and GBCs.

III. JUVENILE RUNAWAY/MISSING PERSON

- A. If a missing person is determined to be a juvenile runaway, a parent or reporting agency must accept the responsibility that they will pick up the juvenile or make suitable arrangements for the return of the juvenile when located. The dispatcher shall then initiate BOL, GBCs, etc.
- B. When a missing juvenile is found, the receiving officer will notify the complainant and make arrangements for the parents/guardians to pick up the child.
 - 1. In cases of juveniles who are persistent runaways, their parents or guardians shall be notified by the responding officer to come to the station for the child. If the parents or guardians refuse to take responsibility for the juvenile, the officer shall make other suitable arrangements, with approval of the parents, such as placement with a relative or at a First Call Shelter. If the parents will not consent to an intermediate option, or one is not available, the State's Attorney's Office and the Department of Children & Families ("DCF") shall be contacted for completing the **Children in Need of Supervision (CHINS) process**.

2. If the parents reside out of the area, or the parents reside in Burlington and the child is located out of the area, and the parents state they cannot provide transportation for the child to return home, the Greyhound Bus Corporation under the provisions of its "HOME FREE PROGRAM," will provide transportation at no charge provided the child is willing to return home unescorted and the child is between 12-18 years of age and officially listed as a runaway. **The Greyhound Bus Corporation is located at the Vermont Transit Company at 345 Pine Street, 802-864-6811. The Home Free Program's telephone number is 800-621-4000.**

C. In order to utilize the "HOME FREE PROGRAM," officers shall comply with the following procedures:

1. The officer shall contact the local law enforcement agency of the jurisdiction where the juvenile's parent/guardian resides.
2. The officer will request that the Department of destination;
 - a. verify the exact location of the parent/guardian.
 - b. Make reasonable determinations:
 - that the alleged parent/guardian is in fact the parent/guardian of the juvenile in custody.
 - as to the financial capability of the parent/guardian to provide transportation for the juvenile.
 - as to the relative stability of the parent/guardian – juvenile relationship.
 - make certain that a missing person report is on file and that a copy is forwarded to the Department of origin.
 - make arrangements for the Department of destination to accompany the parent/guardian to meet the juvenile/runaway at the bus station or other agreed upon pick up point.
 - have the parent/guardian sign the juvenile custody form and forward the original to the agency holding the juvenile.
3. Obtaining bus tickets:
 - a. The officer shall obtain supervisory approval to proceed with obtaining bus transportation for the juvenile runaway, and shall complete the ticket purchase form at the bus station. (One copy of the form shall be retained by the officer and submitted to the OIC).
 - b. The officer shall complete the driver/agent receipt of juvenile passenger. The bus driver/agent shall sign the form and the officer/custodian shall retain the original of such form and give two copies to the driver/agent.
4. Notification from department of destination:

Upon arrival of the juvenile/runaway at the final destination, the Department of destination should notify the Department of origin of the time of arrival and condition of the juvenile. When notified that the missing person has been turned

over to a guardian, the officer shall cancel any NCIC or local GBC. The initiating officer shall be notified of the cancellation of NCIC.

IV. FOLLOW-UP INVESTIGATION

- A. It shall generally be the responsibility of the officer taking the initial complaint to conduct subsequent investigations for the first ten (10) days that a subject is reported as missing.

In order to meet the above requirements, the investigating officer must notify the records department of a pending investigation and provide a copy of the missing person report form by the end of the shift. **The State automatically removes a missing person from NCIC, if the proper follow up paper work is not submitted by the Department (Appendix C).**

- B. The investigating officer must forward a copy of the incident to the Detective Services Bureau ("DSB") by the end of the shift in which the report was received.

This procedure is to be followed whether or not the investigation remains with Uniform Services Bureau ("USB") or is assigned to DSB for follow-up.

- C. The investigating officer must obtain signed documentation in accordance with Section I. F. of this directive prior to entering an emancipated adult into NCIC.

- D. If the missing person is a young child, a mentally ill person or if any other circumstances indicate that the case is of an urgent nature, the case shall be assigned for immediate follow-up with a DSB investigator, and the follow up investigator shall re-interview the person who initiated the original missing person report. If there is an indication of suspicious circumstances or potential harm involving a reported missing person under age 16, the investigator will make contact with and coordinate investigative efforts with outside resources (i.e. DCF, State's Attorney's Office, etc.).

1. A photograph of the missing person should be obtained, if available, for dissemination.
2. The investigating officer shall inquire if for any purpose, inked fingerprint impressions are available.
3. The officer assigned shall conduct an immediate investigation in an attempt to locate the individual. Resources may include canine search teams and media assistance.

- F. Open missing person cases shall remain assigned to the USB officer for follow-up investigation for **10 days; unless circumstances exist that indicate that the DSB is a more appropriate forum for the investigation.** The decision to re-assign the case shall be made by the OIC. Cases that are **10 days old, or older**, shall be automatically assigned to DSB.

V. **FBI ANALYSIS OF FINGERPRINTS OF MISSING PERSONS**

- A. Based upon the availability of inked fingerprint impressions of the missing individual (FBI fingerprint card Form #1-391), the officer may request to submit the inked impressions to the Federal Bureau of Investigations under the provisions of the Missing Children's Act of 1982. The FBI will accept fingerprint cards relating to missing persons provided that one of the following criteria can be met.
1. A person of any age who is missing and under a proven physical/mental disability or is senile, thereby subjecting himself/herself or others to danger.
 2. A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety is in danger.
 3. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary (i.e. abduction or kidnapping).
 4. A person who is missing and declared unemancipated as defined by the laws of his/her state of residence (i.e. a person who is under 18 years of age in the State of Vermont) and does not meet any of the entry criteria set forth in 1, 2, or 3 of the above.
- B. The DSB Lieutenant shall insure that the appropriate entry has been made into the NCIC Missing Persons File by records personnel **PRIOR** to the submission of the fingerprint card to the FBI, Identification Division. The fingerprint card shall be clearly marked with the following information:
1. Agency name and originating agency identifier, i.e. Burlington, Vermont Police Department, VT0040100.
 2. Words "Missing Person" followed by the applicable NCIC entry criteria number as set forth previously.
 3. NCIC record number received by this Department in response to its entry into the NCIC Missing Person file.
- C. Once properly filled out, the card shall be forwarded to the below address accompanied by a cover letter which sets forth a summary of the incident and a current description of the missing person/child;

Assistant Director, Federal Bureau of Investigations
U. S. Department of Justice
Washington, DC 20535
ATTN: Identification Division

VI. **MEDICAL AND DENTAL RECORDS**

After 10 days have elapsed from the time any person was last seen (or was reported missing to the Department), and the person has not been located, the Detective Services Bureau Lieutenant will assure that written consent is requested from the next of kin, in the case of an adult or from the legal parent or guardian in the case of a missing juvenile, for the release of the missing person's known medical and dental records to the Burlington Police Department. S-3

VII. MEDIA ASSISTANCE

Notification of the general public through any of the news media can be valuable in locating a missing person. A decision to use such venues shall be made with authorization by the

Chief of Police or his/her designee, and after consultation with the family of the missing person.

VIII. RE-CONTACT WITH REPORTING PERSON

Officers assigned to missing person investigations shall ensure frequent contact with reporting persons. In cases where missing persons are located, the investigating officer shall notify the reporting person as soon as possible.

IX. LOCATION OF MISSING PERSONS

- A. Officers locating a missing person shall interview that person and ascertain the circumstances as to why they were missing, along with any other pertinent information regarding the missing person's location during this period.

It shall be the responsibility of the OIC to insure that the officer locating a missing person files a report detailing the aforementioned information along with the circumstances surrounding the finding of the person. Particular difficulties encountered, for example, reluctance or refusal to return home, should be noted.

- B. An officer who locates a missing person shall notify the dispatcher who shall **immediately remove** the copy of the missing person's card from the file in Communications.

A dispatcher receiving a cancellation call on a missing person shall verify same by a call back to the original complainant to insure it is not a false report. When a missing person or juvenile is located, the dispatcher shall make notations in the report field of the original case to document the circumstances. When a person reported by another agency is located in Burlington, a case will be initiated to document Burlington Police Department's involvement.

Communications personnel shall insure that any/all BOL/NCIC/GBC/HOT SHEET entries are deleted as appropriate and copies of same submitted to records for proper filing when the missing person is located.

- C. The soft and hard copies of the GBC card will then be stapled together and directed to records to ensure that files are maintained accurately.
- D. It is the responsibility of the Administrative Services Bureau Lieutenant to insure integrity of all records associated with the Burlington Police Department. To assure compliance with VCIC/ NCIC reporting requirements, and the coordination of the agencies reporting process the records division shall:
1. On a monthly basis, complete an audit of all missing persons to assure our records match existing VCIC/NCIC records.

2. To assure compliance with the above, records personnel may make contact with the investigating officer or the complainant.
3. If it is ascertained that the subject is still reported as missing, records personnel will assure that the investigating officer is supplied with the **NCIC Missing Person File, Data Collection Entry Guide** for completion and submission to NCIC.
4. When notified that a missing person status is no longer valid (i.e., subject located), records personnel will fill out and submit NCIC Cancellation forms to VCIC. (Department of Public Safety form 316-Appendix F). Additionally, they will assure that all GBCs and VCIC entries are cancelled, and officers involved in the process are notified of case status.

X. CANCELLATION:

This directive cancels Burlington Police Department Directive 80-32, dated 10-9-80; Uniform Service Bureau SOP 81-07, dated 4-3-81; and Detective Services Bureau SOP 86-11, dated 10-16-87.

XI. SOURCES:

- S-1 National Crime Information Center, (NCIC) Operating Manual, Missing Person File, Section 1. Introduction, Part 8 1.1-1.2.1
- S-2 Burlington Police Department Directive 41-95.01
- S-3 U.S. Department of Justice, Federal Bureau of Investigation: NCIC Missing Person File, Data Collection Entry Guide.
- S-4 Burlington Police Department Directive 80-32, dated 10-9-80; Uniform Service Bureau SOP 81-07, dated 4-3-81; and Detective Services Bureau SOP 86-11, dated 10-16-87.
- S-5 State of Vermont Amber Child Abduction Alert System

CONTRIBUTORS:

Chief Thomas R. Tremblay
Deputy Chief Walter C. Decker
Lieutenant Rich Long
Cpl. John Federico
Det. Cpl. Kimberly Edwards
Ms. Marguerite Dumas, Chief Records Clerk
Ms. Judy Nolan, Emergency Communications Specialist
Diane Garrett, Public Safety Dispatcher, Resigned
Lt. Richard Garrow, Retired
Cpl. Kimberly Burbo, Retired
Sgt. Bernard Loso, Retired
Lt. William Laware, Retired
Chief Kevin P. Scully, Retired
Deputy Chief Glendon W. Button, Retired
Deputy Chief John M. Sonnick, Retired
Chief Alana M. Ennis, Resigned

Appendix B

Form 252

MISSING PERSON BROADCAST MESSAGE

AM.ORI/

CTL/ .FIL/06

DESTINATION:GBC NH NY VTINS01T0

ENTER TEXT BELOW: >**** MISSING PERSON ****>

MISSING FROM: DATE/TIME OF LAST CONTACT:

NAM/ DOB/ SEX/ RAC/ POB/

DOE/ HGT/ WGT/ EYE/ HAI/ SKN/

SMT/ SOC/

ADDITIONAL INFORMATION:....

ENTER NCIC/<--YES OR NO? IF YES, UNDER WHAT CRITERIA? CRITERIA/

AUTHORITY:...(Officer's name)

CASE NO.:

AGENCY:...

**NCIC ENTRY FORM
FOR
NCIC RECOVERY OR CANCELLATION FORM
(for all entries)**

Please complete form in legible hand printing or use typewriter.

Agency Identifier # _____ Agency Case # _____

GBC issued? Yes: _____ No: _____ GBC # _____

SERIALIZED PROPERTY

Type of property: _____

Serial/VIN #: _____

Registration # (if applicable): _____

Date of theft: _____

Reason for cancellation: _____

WANTED/MISSING PERSONS

Name of subject: _____

Date of birth: _____

Date wanted or missing: _____

Reason for cancellation: _____

Date: _____ Signature: _____

Police Agency: _____

Mail completed forms to: Vermont Criminal Information Center
 103 South Main Street
 Waterbury, Vermont 05676

Appendix D - Need to stress the 24 hour reporting requirements.

BURLINGTON POLICE DEPARTMENT

MISSING PERSONS REPORT

DATE OF REPORT: _____ GBC #: _____ OFFICER: _____

COMPLAINT #: _____ ADULT: _____ JUVENILE: _____

COMPLAINANT: _____
(name address telephone number)

RELATIONSHIP TO MISSING PERSON: _____

MISSING PERSON STATISTICS:

NAME: _____ AGE: _____ DOB: _____
(last, first, middle initial)

ADDRESS: _____ PHONE #: _____

POB: _____ SS#: _____

HGT: _____ WGT: _____ BUILD: _____ EYE COLOR: _____ RACE: _____

HAIR COLOR: _____ HAIR STYLE/LENGTH: _____ COMP: _____

SCARS/MARKS/TATTOOS: _____ STATE OF MIND: _____

LAST SEEN WEARING: _____

DATE LAST SEEN: _____ HOUR: _____ WHERE: _____

MEDICAL/PHYSICAL DEFECTS: _____

PRESENTLY UNDER DOCTOR'S CARE: _____ DOCTOR'S NAME: _____

CURRENTLY TAKING MEDICATION: _____ EXPLAIN: _____

PLACE OF EMPLOYMENT/SCHOOL: _____
(include name, location, teacher's name)

OPERATOR'S LICENSE _____ VEHICLE: _____
(number and state) (make, color, reg., etc)

MOTHER'S NAME: _____ FATHER'S NAME: _____

ADDRESS: _____ ADDRESS: _____

PHONE #: _____ PHONE #: _____

RELATIVES OR FRIENDS OF MISSING PERSON WHO MIGHT HAVE INFORMATION:

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

PHONE #: _____ PHONE #: _____

CIRCUMSTANCES: _____

REPORTED MISSING BEFORE: _____ EXPLAIN: _____

LOCATED: WHERE: _____ DATE: _____

BY WHOM: _____

Appendix E



BURLINGTON POLICE DEPARTMENT

One North Avenue

Burlington, Vermont 05401

~~Alana M. Ennis~~ Thomas R. Tremblay
Chief of Police

Telephone (802) 658-2704

Fax (802) 658-7669

T.D.D. (802) 658-2700

TO:

SUBJECT: RELEASE OF MEDICAL RECORDS

FROM:

I hereby authorize and direct any physician, surgeon, medical facility, or their agent(s), who have examined, and/or treated:

for any mental, and/or physical injuries, and/or diseases, to give any information and records concerning the above named, to the **BURLINGTON POLICE DEPARTMENT**, or their authorized agent.

Patient's Signature

In case of juvenile:

Parent/Guardian/Custodian's Signature

In case of deceased:

Next of kin's Signature

Subscribed and sworn to before me on _____, at Burlington, Vermont.

Notary Public (expires 02-10-2007)



BURLINGTON POLICE DEPARTMENT

One North Avenue
Burlington, Vermont 05401

~~Alana M. Bane~~ Thomas R. Tremblay
Chief of Police

Telephone (802) 658-2704
Fax (802) 865-7287
T.D.D. (802) 658-2700

TO: SUPERVISORS, OFFICERS, DISPATCHERS
FROM: DETECTIVE KIMBERLY EDWARDS
DATE: JULY 10, 2003
RE: VERMONT AMBER ALERT SYSTEM

Today we received the paperwork/protocol necessary to utilize the Amber Alert System. The three-five hours following a serious, stranger abduction are critical. A large number of children are killed during this time frame. Nationwide this system is credited with saving the lives of more than 70 children. Lieutenants and Sergeants will be discussing the procedure during roll calls and dispatchers can familiarize themselves with the process using a training packet currently in dispatch.

Here is the basic procedure as outlined by the Department of Public Safety:

- *Once responding officers and the OIC have determined that an Amber Alert is appropriate, the paperwork packet must be completed by dispatch. This is in addition to our standard procedures for BOLs and GBCs in such cases.
- *This paperwork is then faxed to DPS, who makes the decision if an Amber Alert will be issued. An Amber Alert does not at any time originate from BPD.
- *BPD must call DPS and verify they have received the fax and it is legible.
- *DPS issues the Amber Alert.
- *It is the same procedure for a cancellation. Complete paperwork, fax it, and DPS will issue the cancellation.

THE FOLLOWING CRITERIA MUST BE MET TO REQUEST AN AMBER ALERT:

- *The child must be under 17 yrs of age
- *We must believe that the child has been abducted and is in imminent danger of death or serious bodily harm, either at the hands of another or due to a proven mental/physical disability
- *We have enough information, which would allow the public to help us recover the child and apprehend the suspect.

IT IS NOT USED FOR:

- *Runaways
- *Custody Dispute Issues
- *Police searches for criminals

LAW ENFORCEMENT USE ONLY

**VERMONT AMBER CHILD ABDUCTION ALERT
ACTIVATION REQUEST CHECKLIST**

For a Vermont Amber Child Abduction Alert to be activated, the following criteria must be met:

- ☐ The child must be 17 years of age or under.

and

- ☐ A law enforcement agency believes the child has been abducted and is in imminent danger of serious bodily harm or death, either at the hands of another or due to a proven mental or physical disability

and

- ☐ The initiating law enforcement agency will provide resources or arrange for incoming calls/information without interruption.

and

- ☐ There is enough descriptive information for law enforcement to believe an AMBER Alert will help locate the child.

If all of the above criteria have been met, please proceed with the remainder of this form.

LAW ENFORCEMENT USE ONLY

VERMONT AMBER CHILD ABDUCTION ALERT ACTIVATION REQUEST									
Check One <input type="checkbox"/> Original <input type="checkbox"/> Update					Incident #				
REQUESTING AGENCY									
Agency			Telephone #			Point of Contact			
Case Officer			Pager #			Cell #			
THE CHILD									
Name: Last		First		MI	Nickname				
<input type="checkbox"/> Male	Age	DOB		Height		Weight		Race	
<input type="checkbox"/> Female									
Hair Color		Hair Style		Eye Color		Glasses <input type="checkbox"/> Yes <input type="checkbox"/> No			
Scars/Marks/Etc.						Describe:			
						Photo Available?			
						<input type="checkbox"/> Yes <input type="checkbox"/> No			
Describe Clothing									
Custody/Health Issues									
Last Contact - Date					Last Contact - Time				
Last Contact - Location (Be Specific)									
Last person to have contact:		Name		Address			Phone #		
THE SUSPECT									
Name: Last		First		MI	AKA's				
<input type="checkbox"/> Male	Age	DOB (or approx. age)		Height		Weight		Race	
<input type="checkbox"/> Female									
Hair Color		Eye Color		Relationship to Child					
Scars/Marks/Etc.									
Clothing Description									
Additional Information									
THE VEHICLE									
Plate #		State	Year	Make		Model		Color	
Other Descriptors									
Direction/Route of Travel (if known)									

Note: Updates must include all requested information.

VERMONT AMBER CHILD ABDUCTION ALERT ACTIVATION REQUEST CHECKSHEET	
Check One <input type="checkbox"/> Original <input type="checkbox"/> Update	
CASE HISTORY - This should be the actual wording for the Amber Child Abduction Alert Activation Broadcast. Note - There will only be a maximum of 90 seconds of air time allotted. Please print legibly.	
The _____ (department) <input type="checkbox"/> Sheriff's Department <input type="checkbox"/> Police Department <input type="checkbox"/> State Police barracks) is activating the Vermont Amber Child Abduction Alert. The _____ is investigating a, (department) confirmed child abduction which occurred on/at _____, in the <input type="checkbox"/> city <input type="checkbox"/> town of (street/specific location) _____ at approximately _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. on _____. (time) (date)	
The child, _____, is a _____ year old _____, _____, with _____ hair, (name) (age) (race) (sex) (color) _____ eyes, about _____ tall, and weighs about _____ pounds. <input type="checkbox"/> He/ <input type="checkbox"/> She was wearing (color) (height) (weight) _____ (clothing) _____ (additional descriptors)	
The suspect, _____, is a _____, _____, with _____ hair, (name) (race) (sex) (color) approximately _____ with _____ hair, _____ eyes, about _____ tall, (age) (color) (color) (height) and weighs about _____. <input type="checkbox"/> He/ <input type="checkbox"/> She was wearing: (weight) _____ (clothing) _____ (additional descriptors)	
The vehicle is a _____, _____, _____ with (color) (year) (make) (model - # doors) _____ license plate number _____. It also has: (state) (number) _____ (additional descriptors)	
The <input type="checkbox"/> vehicle <input type="checkbox"/> suspect was last seen traveling in a _____ (north/south/east/west) direction on _____, (and may be heading to the (street/road/route) _____ area.) _____ (possible destination)	
Anyone with any information on this abduction is asked to call the _____ at (agency name) _____, or dial 911 and report the information. Repeating, the number to (phone # provided for public) report information about this abduction: The _____ at _____ (agency name) (phone # provided for public) or dial 911.	
Submitted by: _____	Date/Time _____
SUBMIT INFORMATION TO: Vermont Department of Public Safety Headquarters Dispatch FAX 802.241.5552 - Telephone 802.244.8727	

Note: Updates must include all requested information.

**VERMONT AMBER CHILD ABDUCTION ALERT
CANCELLATION**

This is a Vermont Amber Child Abduction Alert cancellation. The _____ is
(agency name)
canceling the Vermont Amber Child Abduction Alert that was activated at _____ ☐ a.m. ☐ p.m.
on _____ regarding _____. Repeating, the
(date) (name)
_____ is canceling the Vermont Amber Child Abduction Alert that
(agency name)
was activated at _____ ☐ a.m. ☐ p.m. on _____ regarding
(date)
_____. The reason for the cancellation is:
(name)

Submitted by:	Date/Time
Received by HQ Dispatch	Date/Time
Authorized by State Duty Officer	Date/Time

SUBMIT INFORMATION TO:

Vermont Department of Public Safety Headquarters Dispatch
FAX 802.241.5552 - Telephone 802.244.8727

For Dispatch use only in the event a cancellation is authorized:

1. ☐ Contact the VSP State Duty Officer.
2. ☐ Send out administrative message via VLETS indicating cancellation of Vermont Amber Child Abduction Alert.
3. ☐ Broadcast one message over the State EAS delivery system indicating cancellation.
4. ☐ Initiate a "blast fax" to law enforcement agencies, media and other outlets of the Vermont Amber Child Abduction Alert cancellation.

EXECUTIVE SUMMARY

Charlotte, North Carolina – Requirements Related to Missing Persons

Introduction

The Charlotte-Mecklenburg Police Department (“CMPD”) is subject to several requirements related to handling reports of missing persons imposed by both North Carolina statutory authority (the “Statutory Requirements”) and the CMPD’s own policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

The Statutory Requirements establish the North Carolina Center for Missing Persons (the “Center”), a branch of the North Carolina Department of Crime Control and Public Safety. The Center works with law enforcement agencies throughout the state in handling missing persons cases. Under the Statutory Requirements, the CMPD must enter data about the missing person into the national missing persons file in accordance with criteria set forth by the National Crime Information Center (“NCIC”), immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the missing individual, and transmit a copy of the report to the Center.

Local Requirements

The CMPD has a Missing Persons Unit (the “Unit”) whose policies and practices conform to those outlined by the Department Policy. The Department Policy establishes: (1) the investigative procedure police officers must follow, and (2) the procedures police officers must follow when documenting a missing persons case. The Department Policy also lists the duties and responsibilities of the Sergeant of the Unit, Detectives of the Unit, and the Investigative Technician of the Unit. Finally, the Department Policy espouses a Community Problem Oriented Policing approach to policing.

Comparison of Requirements for Charlotte-Mecklenburg Police Department and Requirements for Cleveland Division of Police

Unlike Ohio, North Carolina has a centralized Center for Missing Persons that coordinates statewide missing persons initiatives. Among the activities performed by the Center, the Center maintains a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the area of prevention of child abduction, location of missing children and missing persons, and follow-up after the missing person has been located. Also, the Center maintains a toll-free telephone number that is intended to assist families and law enforcement officers in need of immediate assistance. The Center also

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

publishes annual reports cataloguing the year's missing persons cases and their causes (when known).

Unlike the Cleveland Division of Police ("CPD"), the CMPD is not required under state law to adopt a written policy regarding the handling of missing persons cases. Nor is the CMPD required to follow a best practices protocol as determined by the state attorney general. The CMPD prohibits a waiting period before taking reports of missing persons cases, whereas the CPD does not.

The CMPD makes a point of requiring personnel assigned to the Unit to display empathy and patience to the outside world. This ties in to the Unit's commitment to Community Problem Oriented Police, which requires the Unit to actively interact with outside agencies, patrol officers, families, and media outlets.

The CMPD has three categories that it assigns to missing persons cases. "Open" is the designation used when a detective is actively investigating a case. "Exceptionally Cleared" is used when the missing person's location is known and they have been positively identified. "Unfounded" is used if an investigation reveals that that person missing was from another jurisdiction, in which case the CMPD will no longer investigate so that an agency in the jurisdiction where the person was last seen can continue the investigation.

SUMMARY

Charlotte, North Carolina – Requirements Related to Missing Persons

Background Information on Charlotte and the Charlotte-Mecklenburg Police Department

The population of Charlotte is 687,465, though the population served by the Charlotte-Mecklenburg Police Department (“CMPD”), police for all of Mecklenburg County, is 758,769. See Crime in the United States, 2008, an FBI report available online. The CMPD consists of 1,637 police officers. Id.

Sources of Authority Regarding Charlotte-Mecklenburg Police Department Policies Related to Missing Persons

North Carolina statutory law (the “Statutory Requirements”) imposes some requirements on state law-enforcement agencies with respect to their missing persons’ policies. Those requirements are detailed below. In general, handling missing persons cases in North Carolina is the joint responsibility of local law-enforcement agencies and the North Carolina Center for Missing Persons (the “Center”). In addition to the requirements imposed by state law, the CMPD has established its own set of practices, codified in the CMPD’s Department Policy (the “Department Policy”). These practices are summarized below. All sources referenced in this Summary are attached.

North Carolina Statutory Requirements

The Statutory Requirements define a missing person as any individual who is 18 years of age or older, whose temporary or permanent residence is in North Carolina, or is believed to be in North Carolina, whose location has not been determined and who has been reported as missing to a law-enforcement agency. (N.C.G.S. § 143B-496).

North Carolina has established the Center within the North Carolina Department of Crime Control and Public Safety. The Center’s purpose is to serve as a central repository for information regarding missing persons and missing children, with special emphasis on missing children. (N.C.G.S. § 143B-499.2). The relevant responsibilities set forth in § 143B-499.2 are as follows:

- assist local law-enforcement agencies with entering data about missing persons or missing children into the national missing persons file, ensure that proper entry criteria have been met as set forth by the National Crime Information Center (“NCIC”), and confirm entry of the data about the missing persons or missing children;
- gather and distribute information and data on missing children and missing persons;

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- encourage research and study of missing children and missing persons;
- achieve maximum cooperation with other agencies of the State, with agencies of other states and the federal government in rendering assistance to missing children and missing persons and their parents, guardians, spouses, or legal custodians; and cooperate with interstate and federal efforts to identify deceased individuals;
- forward the appropriate information to the Police Information Network¹ to assist it in maintaining and publishing a bulletin of currently missing children and missing persons;
- maintain a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the areas of prevention of child abduction, location of missing children and missing persons, and follow-up services to the child or person and family, as determined by the Secretary of Crime Control and Public Safety;
- annually compile and publish reports on the actual number of children and persons missing each year, listing the categories and causes, when known, for the disappearances;
- provide follow-up referrals for services to missing children or persons and their families;
- maintain a toll-free telephone service² that will be in service at all times; and
- perform such other activities that the Secretary of Crime Control and Public Safety considers necessary to carry out the intent of its mandate.

The Center is under the direction of the Secretary of the Department of Crime Control and Public Safety ("the Secretary"). (N.C.G.S. § 143B-497). The Secretary is responsible for adopting rules prescribing: (1) procedures for accepting and disseminating information maintained at the Center; (2) the confidentiality of the data and information, including the missing person report, maintained by the Center; (3) the proper disposition of all obsolete data, including the missing person report; provided, data for an individual who has reached the age of 18 and remains missing must be preserved; (4) procedures allowing a communication link with the Police Information Network and the NCIC's missing person file to ensure compliance with NCIC policies; and (5) forms, including but not limited to a missing person report, considered necessary for the efficient and proper operation of the Center. Id.

A missing person report cannot be submitted to the Center until it has been submitted to the appropriate law-enforcement agency. (N.C.G.S. § 143B-499). The appropriate law-enforcement agency is the law-enforcement agency having jurisdiction over the area in which the missing individual became or is believed to have become missing. Id. The report must be submitted by a parent, spouse, guardian, legal custodian, or person responsible for the supervision of the missing individual. Id.

¹ The Police Information Network is the system devised by the Division of Criminal Statistics within the North Carolina Department of Justice for receiving and disseminating certain law enforcement statistics to participating agencies information. (N.C.G.S. § 114-10.1).

² The Center's web site implies that the number is intended to assist families and law enforcement officers in need of immediate assistance. <http://www.nccrimecontrol.org/Index2.cfm?a=000003,000014,000081>.

North Carolina General Statute § 143B-499.1 requires state law-enforcement agencies, upon the receipt of a missing person report filed by a parent, spouse, guardian, legal custodian, or person responsible for supervision of the missing individual, to make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center. Law-enforcement agencies are prohibited from imposing any policies requiring a waiting period before accepting a missing person report.

Anyone who submits a missing person report to a law-enforcement agency or the Center must immediately notify the law-enforcement agency or the Center of any individual whose location has been determined. (N.C.G.S. § 143B-499.3). The Center will confirm the deletion of the individual's records from the NCIC's missing person file, as long as there are no grounds for criminal prosecution, and follow up with the local law-enforcement agency having jurisdiction of the records. Id.

Under N.C.G.S. § 143B-499.4, the following may make inquiries of, and receive data or information from, the Center:

- any police, law-enforcement, or criminal justice agency investigating a report of a missing or unidentified person, whether living or deceased.
- a court, upon a finding by the court that access to the data, information, or records of the Center may be necessary for the determination of an issue before the court.
- any district attorney of a prosecutorial district as defined by state law or the district attorney's designee or representative.
- any person engaged in bona fide research when approved by the Secretary; provided, no names or addresses may be supplied to this person.
- any other person authorized by the Secretary pursuant to state law.

The Center provides a toll-free telephone line for anyone to report the disappearance of any individual or the sighting of any missing child or missing person. (N.C.G.S. § 143B-499.5). Center personnel instruct the caller, in the case of a report concerning the disappearance of an individual, of the requirement of first submitting a missing person report to the law-enforcement agency having jurisdiction of the area in which the individual became or is believed to have become missing. Id. Any law-enforcement agency may retrieve information imparted to the Center by means of this phone line. Id. The Center directly communicates any report of a sighting of a missing person to the law-enforcement agency having jurisdiction in the area of disappearance or sighting. Id.

Charlotte-Mecklenburg Police Department Policy

The CMPD has a Missing Persons Unit (the "Unit") and has formulated a Department Policy. An outline of the procedures (rearranged and condensed in order to clarify) follows.

VORYS

I. Purpose and General Policies

All missing person complaints must be responded to by an officer. These complaints cannot be taken over the telephone except when the complainant cannot be contacted in person, or as a part of a prearranged agreement between the Unit, NEPS, and individual facilities. The CMPD does not have a waiting period before someone can be reported as missing. The CMPD takes a report, a APB is broadcasted, and an NCIC entry is made on each missing person.

In cases where foul play is suspected, detectives must initiate investigations without delay and form effective partnerships with the Homicide Unit. Unit detectives must offer referrals to individuals and families of missing persons.

The Unit utilizes what the Department Policy refers to as "Community Problem Oriented Policing" strategies. This approach requires the Unit to form partnerships with outside agencies, patrol officers, families, and media outlets.

II. Duties and Responsibilities

A. *Sergeant*

The sergeant assigned to the Unit supervises the Unit to ensure that the goals of the Unit are attained in an efficient and effective manner. The sergeant must ensure that all departmental rules and regulations and guidelines are complied without compromise.

The sergeant must focus the efforts of the Unit on meeting the goals set forth in the CMPD's Mission Statement. As such, in order to prevent the next crime and to improve quality of life throughout the community, the sergeant must form partnerships with every available resource. Additional duties and responsibilities of the sergeant include:

- Assigning cases, problems, and complaints to detectives within the Unit
- Ensuring that due dates are met by detectives
- Managing special investigations assigned by the Criminal Investigations Deputy Chief, Major, and Captain
- Managing all necessary documentation for the Unit such as:
 - Daily report to Captain, Major, and Deputy Chief
 - Time cards
 - Lineups
 - Search and raid reports
 - Court subpoenas
 - Performance appraisals
- Continually monitoring the quality and integrity of an investigation to assess any training needs that would enhance the effectiveness of the Unit's performance

- Challenging the detectives to participate in problem solving techniques with each case to improve the efficiency of the unit and provide quality service to the public
- Maintaining open channels of communication between detectives, supervisors, and other sections within the CMPD
- Maintaining and reviewing cases for detection of trends. The sergeant must challenge detectives to work with individuals and families to prevent repeat the filing of missing person reports on the same individual
- Maintaining a proper police/media relationship regarding release of information consistent with departmental goals and regulations

B. Detectives

Officers are assigned to the Unit per a selection process.³ Officers retain the title "Officer" until they have successfully completed a Probationary Missing Person Detective Training Curriculum under the supervision of a veteran missing person detective. Upon successful documented completion they are given the designation "Detective" while maintaining the Civil Service pay grade classification of "Police Officer."

C. Investigative Technician

The duties of the Investigative Technician are as follows:

- Maintain case management files
- Conduct research as directed by supervisor
- Complete offence and supplement reports
- Complete special assignments as requested by immediate supervisor or chain of command
- Complete monthly and annual reports
- Comply with all department rules, regulations, and directives

III. Investigative Procedure

- Detectives must review cases upon assignment.
- Detectives must contact or attempt to contact the reporting person within a reasonable amount of time. Every contact or attempted contact with subjects connected with the case shall be documented.
- Detectives must respond to incidents:
 - When requested by patrol supervisor.
 - When assigned by a unit supervisor.
 - When directed by the watch commander.
 - When immediate follow-up is necessary.
 - High profile cases.

³ No more detail is available about the process.

- When it best serves the interest of the Police Department.
- Unit Detectives may be assigned to assist other Criminal Investigations Bureau investigations due to manpower needs or at the direction of the Unit supervisor; captain, major, or deputy chief of the bureau.
- Follow up investigative case procedures should include the following when applicable:
 - Review of the preliminary investigation conducted by patrol to determine if the assigned case is related to any other reported cases or investigations and the accuracy of all associated NCIC entries
 - Attempt to locate, identify, and interview all persons relevant to the case
 - Attempt to complete a background investigation on all persons relevant to the case
 - Preparation and distribution of bulletins with the missing person's photograph and other important information
 - Ensuring the collection and analysis of physical evidence
 - Applying for and obtaining search warrants and court orders in accordance with Department Policy
 - Maintaining an ongoing communication with the district/area detectives are assigned to provide feedback, training and information on open cases
 - Advising Unit sergeant of any conflicts, problems or significant issues discovered in any investigation that would warrant correction
 - Utilizing all available resources to locate missing persons and to prevent any future incidents
 - Completing property dispositions in accordance with general departmental policy
 - Preparing briefings for the chain of command and/or the chief of police regarding crime trend analysis and problem solving initiatives conducted by the unit when requested
 - Maintaining a proper police/media relationship regarding the release of information consistent with Department Policy
 - Staying within the legal parameters of state and federal law and relating to constitutional safeguards set forth in the United States Constitution's Fifth, Sixth, and Fourteenth Amendments
 - Ensuring that all case follow-ups are completed on or before due dates
 - Maintaining organized case files
 - Following up on all leads on a timely basis
 - Recognizing and responding appropriately to developing and existing patterns in cases while maintaining a partnership with the patrol bureau
 - Displaying empathy, patience and an unbiased attitude while dealing with victims and recognize the traumatic nature of their experience
 - Participating in discussions/meetings with co-workers, citizens or other law enforcement personnel in fulfilling the problem solving philosophy of community problem oriented policing

- Being accessible by radio/pager during duty hours and responding to missing person investigations when on call or requested
- Working in partnership with district officers, other detectives, other law enforcement agencies, citizens, and the business community
- Utilizing all available data bases as a source for locating the missing person
- Making appropriate suggestions of agencies that can offer assistance to families/guardians of missing persons

IV. Missing Person Case Resolution

- The missing person is located and their identity is confirmed.
- Adults are where they want to be with whom they want to be with.
- Referrals are made to the family of all appropriate sources of assistance.
- Disclosure of the location of adults to the family members or the reporting person is the decision of the missing person. This decision will be respected by the police except in cases where a mental or medical condition is a consideration.
- Crimes are documented and referred to the appropriate unit or departments for investigation.

V. Case Status Designation

- *Open* - A detective is actively involved in investigation leads and working towards case closure.
- *Exceptionally Cleared* - The missing person's location is known, and they have been positively identified.
- *Unfounded* - If an investigation reveals that the person was missing from another jurisdiction, the investigation must be conducted by an agency in the jurisdiction where the person was last seen.

VI. Working Relationships and Partnerships

The Unit should utilize Community Problem Oriented Policing methods in approaching cases. The Unit must be proactive in its efforts to foster partnerships with all sections within the CMPD and in forming active partnerships with outside agencies, families, and organizations.

Comparison of Requirements for Charlotte-Mecklenburg Police Department and Requirements for Cleveland Division of Police

Unlike Ohio, North Carolina has a centralized center for missing persons, the Center, that coordinates statewide missing persons initiatives. Among the activities performed by the Center, the Center maintains a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the area of prevention of child abduction, location of missing children and missing persons, and follow-up after the missing person has been located. Also, the Center maintains a toll-free telephone number that is intended to assist

families and law enforcement officers in need of immediate assistance. The Center also publishes annual reports cataloguing the year's missing persons cases and their causes (when known).

Unlike the Cleveland Division of Police ("CPD"), the CMPD is not required under state law to adopt a written policy regarding the handling of missing persons cases. Nor is the CMPD required to follow a best practices protocol as determined by the state attorney general. The CMPD prohibits a waiting period before taking reports of missing persons cases, whereas the CPD does not.

The CMPD makes a point of requiring personnel assigned to the Unit to display empathy and patience to the outside world. This ties in to the Unit's commitment to Community Problem Oriented Police, which requires the Unit to actively interact with outside agencies, patrol officers, families, and media outlets.

The CMPD has three categories that it assigns to missing persons cases. "Open" is the designation used when a detective is actively investigating a case. "Exceptionally Cleared" is used when the missing person's location is known and they have been positively identified. "Unfounded" is used if an investigation reveals that that person missing was from another jurisdiction, in which case the CMPD will no longer investigate so that an agency in the jurisdiction where the person was last seen can continue the investigation.

	Missing Persons Standard Operating Procedure		1 of 5
Effective Date	11/12/04		



Charlotte-Mecklenburg Police Department

Interactive Directives Guide

I. PURPOSE

This procedure outlines the responsibilities, duties, and job tasks of the department's Missing Person Unit and its personnel. It also provides a guide for the retention and disposition of cases and evidence related to offences investigated by the Missing Person Unit.

II. POLICY

The Charlotte-Mecklenburg Police Department manages the responsibility of missing adults and children by having an officer respond to all missing person complaints. These complaints cannot be taken over the telephone except when the complainant cannot be contact in person, or as a part of a prearranged agreement between the Missing Person Unit, NEPS, and individual facilities. The Charlotte-Mecklenburg Police Department does not have a waiting period before someone can be reported as missing. The Charlotte-Mecklenburg Police Department takes a KBOPS incident report, a APB is broadcasted, and a NCIC entry is made on each missing person.

The responsibility of the Missing Person Unit is to investigate and conduct extensive follow-up investigations of all Missing Person Reports, regardless of the age of the reported missing person. The mission of the unit is to successfully locate persons reported missing and be assured they are in a safe environment. Additionally, Missing Persons detectives will attempt to unite missing individuals with family or the reporting person.

The unit will utilize "Community Problem Oriented Policing" strategies and will form lasting partnerships with outside agencies, patrol officers, families, and media outlets affectively and efficiently to reach these goals. Detectives will initiate investigations without delay and will form effective partnerships with the Homicide Unit on those cases where "foul "play is suspected. Missing Persons detectives will work toward attaining our mission statement goal preventing crime and improving quality of life by offering referrals to individuals and families of missing persons.

III. DUTIES, RESPONSIBILITIES AND ACCOUNTABILITIES

A. Sergeant

The sergeant assigned to the Missing Person Unit will supervise the unit to ensure that the goals of the unit are attained in an efficient and effective manner. The sergeant will provide quality leadership; guiding coaching and challenging the unit detectives to fulfill these goals with integrity and utmost professionalism. The sergeant will ensure that all departmental rules and regulations and guidelines are compiled without compromise.

The sergeant will focus the efforts of the unit on meeting the goals as set forth in the Charlotte-Mecklenburg Police Department's Mission Statement; that is to form partnerships with every available resource to prevent the next crime and improve quality of life throughout the community.

Additional duties and responsibilities shall include but are not limited to:

1. Assign cases, problems, and complaints to detectives within the unit.
2. Ensure that supplement due dates on case follow-up are met by detectives.
3. Manage special investigations assigned by the Criminal Investigations Deputy Chief, Major, and Captain.

	Missing Persons Standard Operating Procedure		2 of 5
Effective Date	11/12/04		

4. Manage all necessary documentation for the unit such as:

- a. Daily report to Captain, Major, and Deputy Chief.
- b. Time Cards.
- c. Lineups.
- d. Search and Raid Reports.
- e. Court Subpoenas.
- f. Performance Appraisals.

5. Continually monitor the quality and integrity of all investigations to assess any training needs to enhance the effectiveness of the unit's performance.
6. Challenge the detectives to participate in problem solving techniques with each case thereby improving the efficiency of the unit and providing quality service to our customers, the public.
7. Maintain open channels of communication between detectives, supervisors, and other sections within the police department.
8. Maintain and review cases for detective of trends. The sergeant will challenge detectives to work with individuals and families to prevent repeat Missing Person Reports on the same individual.
9. Maintain a proper police/media relationship regarding release of information consistent with departmental goals and regulations.

B. Detectives

Assignment of:

1. Officers will be assigned to the Missing Person Unit after a selection process to fill a vacancy. Officers will retain the title "Officer" until they have successfully completed a Probationary Missing Person Detective Training Curriculum under the supervision of a veteran missing person detective. Upon successful documented completion they will be given the designation "Detective" while maintaining the Civil Service pay grade classification of "Police Officer".

Duties and Responsibilities include but are not limited to:

1. Operational Procedures

- a. Duty hours - Working hours will normally be 0730-1600 hours for detectives on assigned to first shift and 1430-2300 hours for detectives assigned to the second shift. The need for flexibility does exist; therefore, shifts may be changed at the at the direction of the supervisors.
- b. Time Cards - All hour worked by detectives will rotate shifts at the direction of the supervisor and hours may be changed based on the needs of the unit.
- c. Compensation - Compensation time, schedule adjustment, vacation, and sick leave shall be in accordance with departmental policy.
- d. Call Back - Detectives will be familiar with and adhere to the call back procedure for the unit. Detectives will be on a rotating callback schedule as directed by the sergeant. The Missing Person Unit callback schedule shall be provided to Communications, Records/DCI, and the Watch Commander's Office by being posted in the CMPD Public Folders through the following path: Public Folders/CMPD/Communications/Lineups/Crimes against Persons/Missing Persons. The on call detective will be contacted by pager and/or by home telephone number. The on call detective will contact the unit supervisor when appropriate.

	Missing Persons Standard Operating Procedure		3 of 5
Effective Date	11/12/04		

- e. Overtime - No overtime shall be worked without prior notification from the employee's supervisor. For overtime considerations the employee supervisor shall determine whether schedule adjustment or overtime payment is received.
- f. Court - Detectives shall attend court as directed by subpoena and in accordance with directives.
- g. Attire - Normal dress will be business attire, in accordance with departmental policy. Alternative dress may be worn for surveillance and searches with prior approval from the unit supervisor.
- h. NCIC Validations - Detective will work closely with Records/DCI to complete all NCIC validations in a timely manner.

IV. INVESTIGATIVE PROCEDURE AND CASE MANAGEMENT

- A. Detectives will review cases upon assignment.
- B. Detectives will contact or attempt to contact the reporting person within a reasonable amount of time. Every contact or attempted contact with subjects connected with the case shall be documented.
- C. Incident response by detective:
 - 1. When requested by patrol supervisor.
 - 2. When assigned by a unit supervisor.
 - 3. When directed by the watch commander.
 - 4. When immediate follow-up is necessary.
 - 5. High profile cases.
 - 6. When it best serves the interest of the Police Department.
- D. Unit Detectives may be assigned to assist other C.I.B. investigations due to manpower needs or at the direction of the unit supervisor, captain, major, or deputy chief of the bureau.
- E. Criteria for the activation of North Carolina Amber Alert System (GS 143B-499.1)
 - a. Child is 17 years old or less.
 - b. Child is believed to have been abducted, or to be in danger of injury or death.
 - c. Child is not taken by a parent (unless child is in danger).
 - d. child is not believed to be a run away or voluntarily missing.
- F. Follow up investigative case procedures should include the following when applicable:
 - 1. Review of the preliminary investigation conducted by patrol to determine if the assigned case is related to any other reported cases or investigations and the accuracy of all associated NCIC entries.
 - 2. Attempts to locate, identify, and interview all relevant persons to the case.
 - 3. Attempt to complete a background investigation on all relevant persons to the case.
 - 4. Prepare and distribute bulletins with the missing persons photograph and other important information.
 - 5. Ensure the collection and analysis of physical evidence.
 - 6. Detectives will apply for and obtain search warrants and court orders in accordance with departmental policy.
 - 7. Maintain an on going communication with the district/area they are assigned to providing feedback, training, and information on open cases.

	Missing Persons Standard Operating Procedure		4 of 5
Effective Date	11/12/04		

8. Advise unit sergeant of any conflicts, problems or significant issues discovered in any investigation that would warrant correction.
9. Utilize all available resources to locate missing persons and to prevent any future incidents.
10. Complete property dispositions in accordance with departmental policy.
11. Prepare briefings for the chain of command and/or the chief of police regarding crime trend analysis and problem solving initiatives conducted by the unit when requested.
12. Maintain a proper police/media relationship regarding the release of information consistent with departmental policy.
13. Properly investigate all assigned cases staying within the legal parameters of state and federal law and relating to constitutional safeguards set forth in the United States Constitutions' Fifth, Sixth, and Fourteenth Amendments.
14. Ensure that all case follow-ups are completed on or before due dates.
15. Maintain organized case files.
16. Follow up on all leads on a timely basis.
17. Recognizing and responding appropriately to developing and existing patterns in cases while maintaining a partnership with the patrol bureau.
18. Displaying empathy, patience and an unbiased attitude while dealing with victims and recognizing the traumatic nature of their experience.
19. Participating in discussions/meetings with co-workers, citizens or other law enforcement personnel in fulfilling the problem solving philosophy of community problem oriented policing.
20. Being accessible by radio/pager during duty hours and responding to missing person investigations when on call or requested.
21. Detectives will work in partnership with district officers, other detectives, other law enforcement agencies, citizens, and the business community.
22. Detectives can utilize all available data bases as a source for locating the missing person.
23. Detective will make appropriate suggestions of agencies that can offer assistance to families/guardians of missing persons.
24. Detectives will communicate with the missing juvenile's DSS worker, Juvenile Court Counselor, SRO, and all other assigned professionals.

G. Missing Person Case Resolution:

1. The missing person is located and their identity is confirmed.
2. Adults are where they want to be with whom they want to be with.
3. Juveniles are in the custody of a parent, guardian, responsible adult, or the appropriate social services agency.
4. Referrals are made to the family of all appropriate sources of assistance.
5. Disclosure of the location of adults to the family members or the reporting person is the decision of the missing person. This decision will be respected by the police except in cases where a mental or medical condition is a consideration.
6. Crimes are documented and referred to the appropriate unit or departments for investigations.

H. Case status designation.

1. Open - A detective is actively involved in investigation leads and working towards case closure.
2. Exceptionally Cleared - The missing person's location is known, and they have been positively identified. If the missing person is less than 18 years of age, the

	Missing Persons Standard Operating Procedure		5 of 5
Effective Date	11/12/04		

missing person must be in the company of adult family member or a responsible adult.

3. Unfounded – An investigation reveals that the person was missing from another jurisdiction whereby the investigation must be conducted by the agency from which the person was last seen.

- I. Case Retention – Detectives will be aware of and follow all departmental directives on record and case file retention.

V. WORKING RELATIONSHIPS AND PARTNERSHIPS

The Missing Person unit will utilize Community Problem Oriented Policing methods with each case. This unit will be proactive in its efforts to foster partnerships with all sections within the Charlotte-Mecklenburg Police Department and furthermore this unit will form active partnerships with outside agencies, families, and organizations to fulfill the goals of the unit.

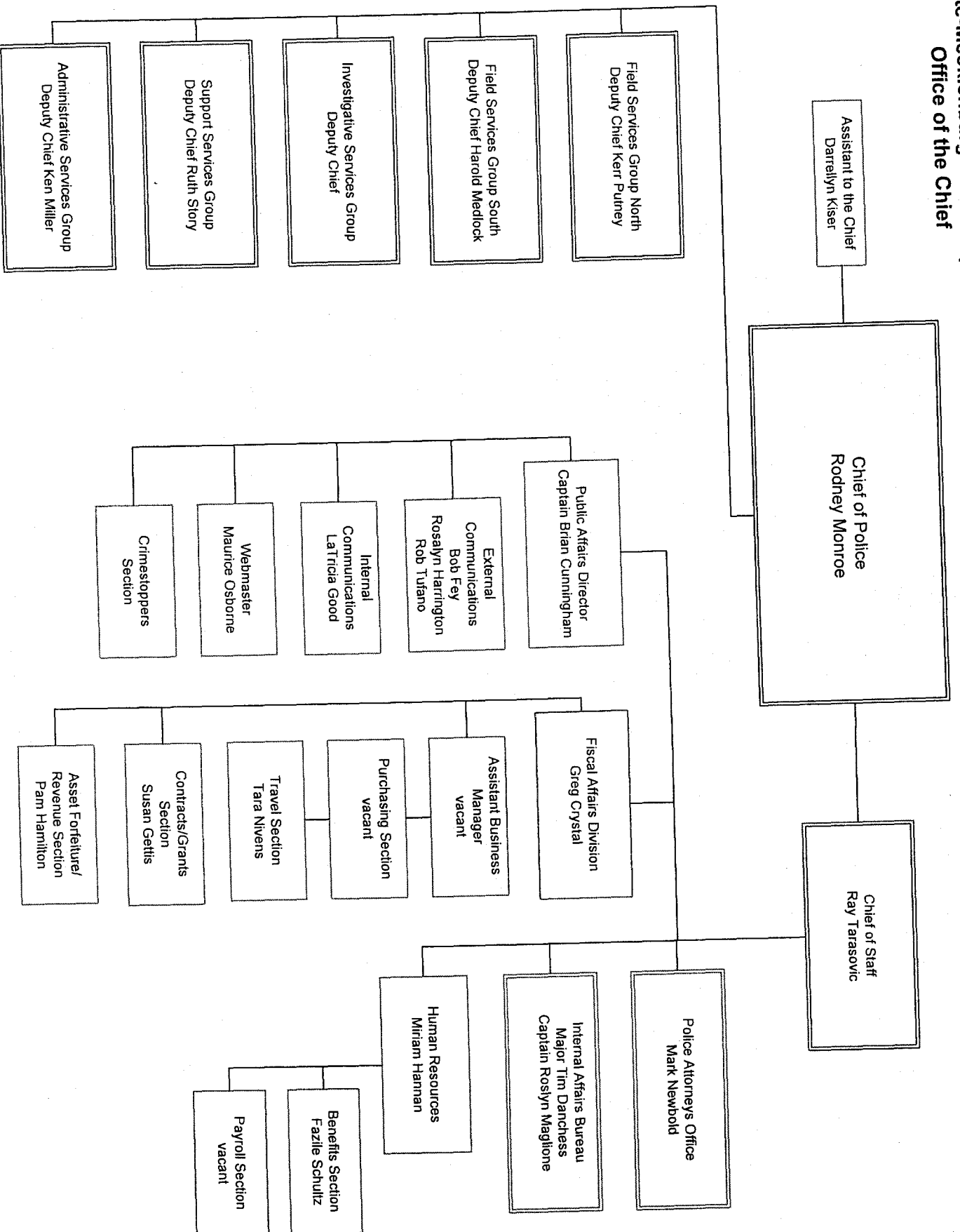
- A. Detectives will maintain open communication with all sections of the police department.
- B. Missing Person detectives will be vigilant in their efforts to form positive working partnerships with outside agencies and families.
- C. Detectives will be accessible to families, media, and outside sources ever focused on the successful resolution of missing Person cases.

VI. INVESTIGATIVE TECHNICIAN

A. Procedures and Responsibilities

1. Maintain case management files.
2. Conduct research as directed by supervisor.
3. Complete offence and supplement reports.
4. Complete special assignments as requested by immediate supervisor or chain of command.
5. Complete monthly and annual reports.
6. Comply with all department rules, regulations, and directives.

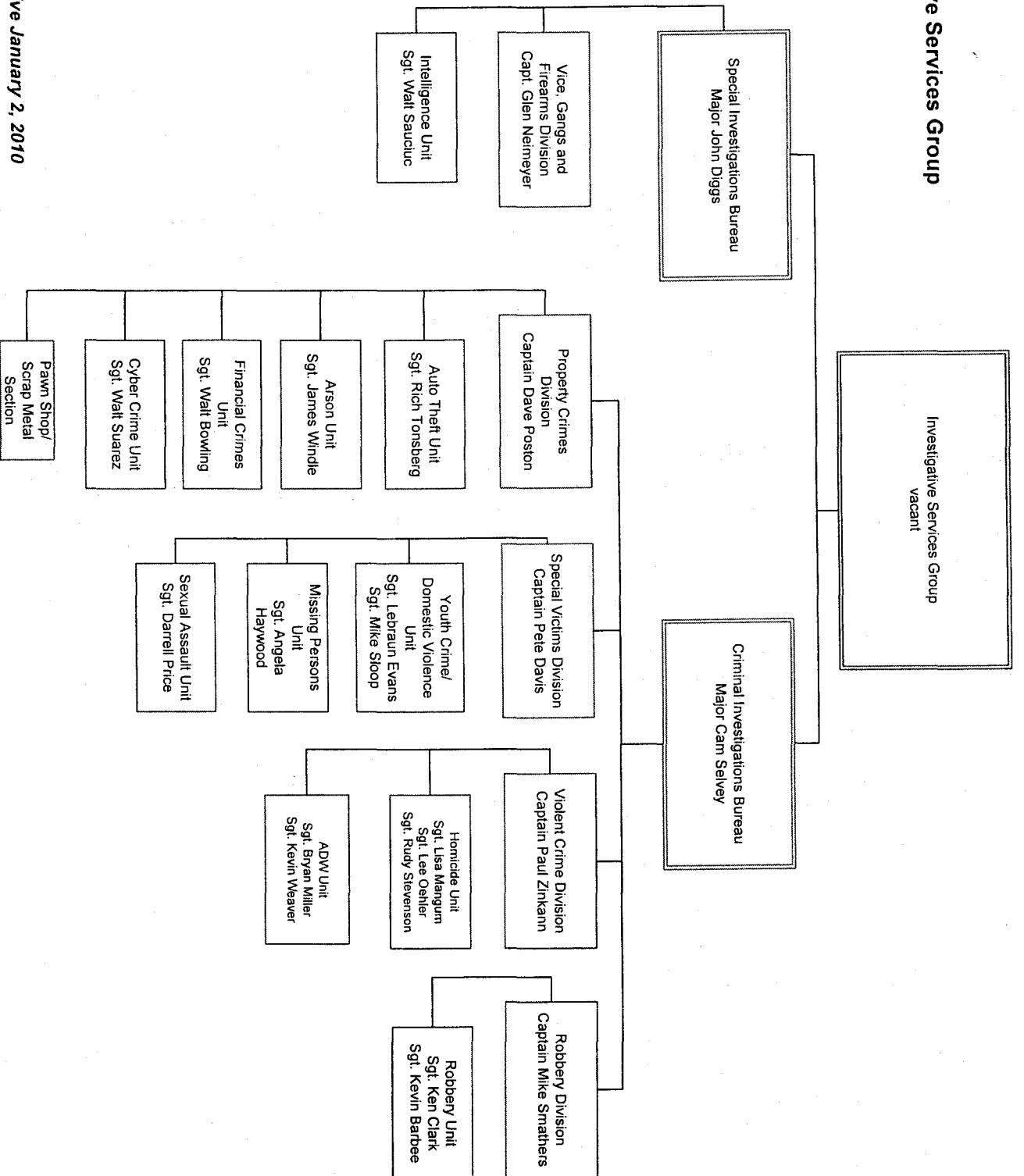
Charlotte-Mecklenburg Police Department
Office of the Chief



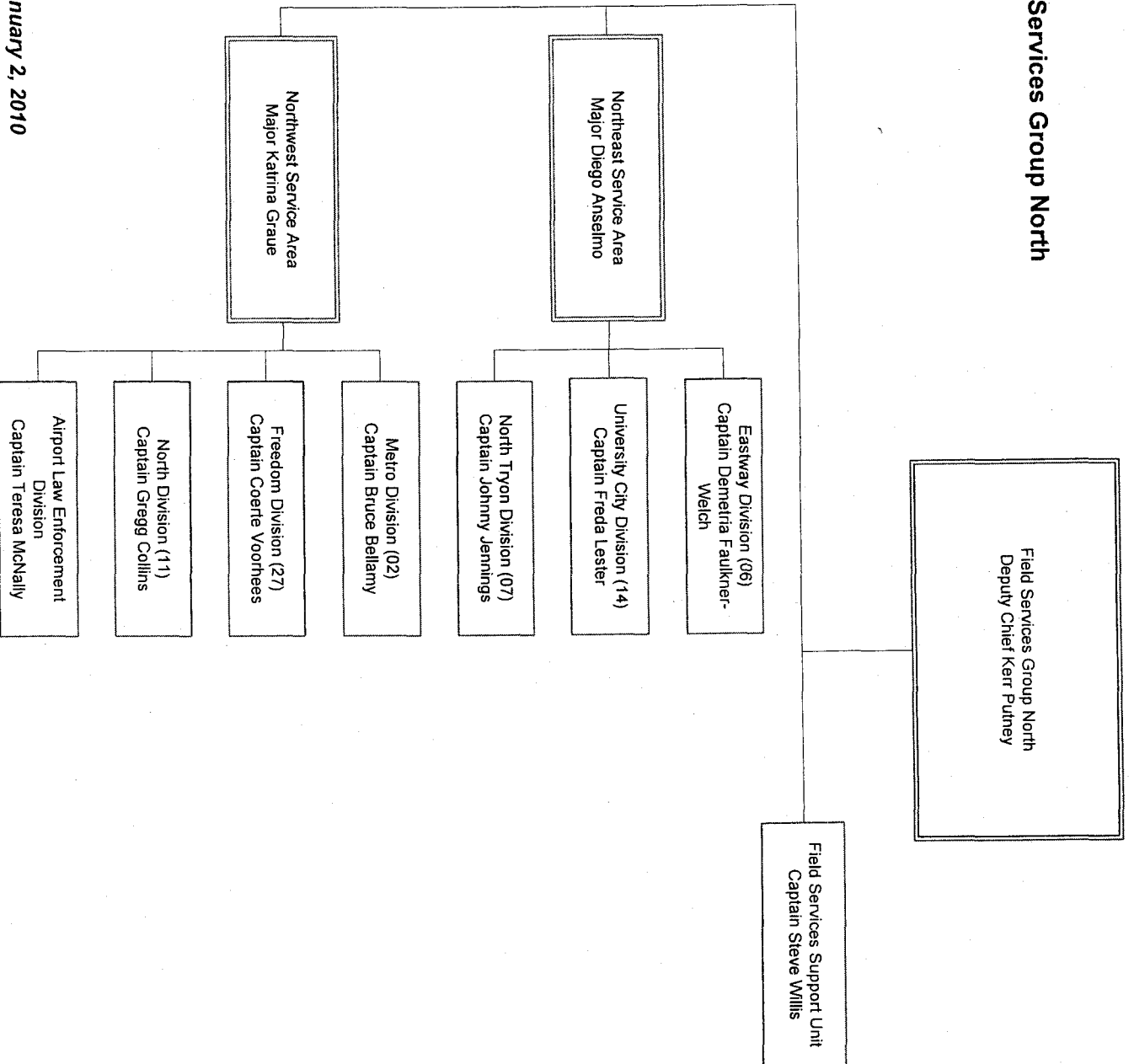
Effective January 2, 2010

Investigative Services Group

Effective January 2, 2010

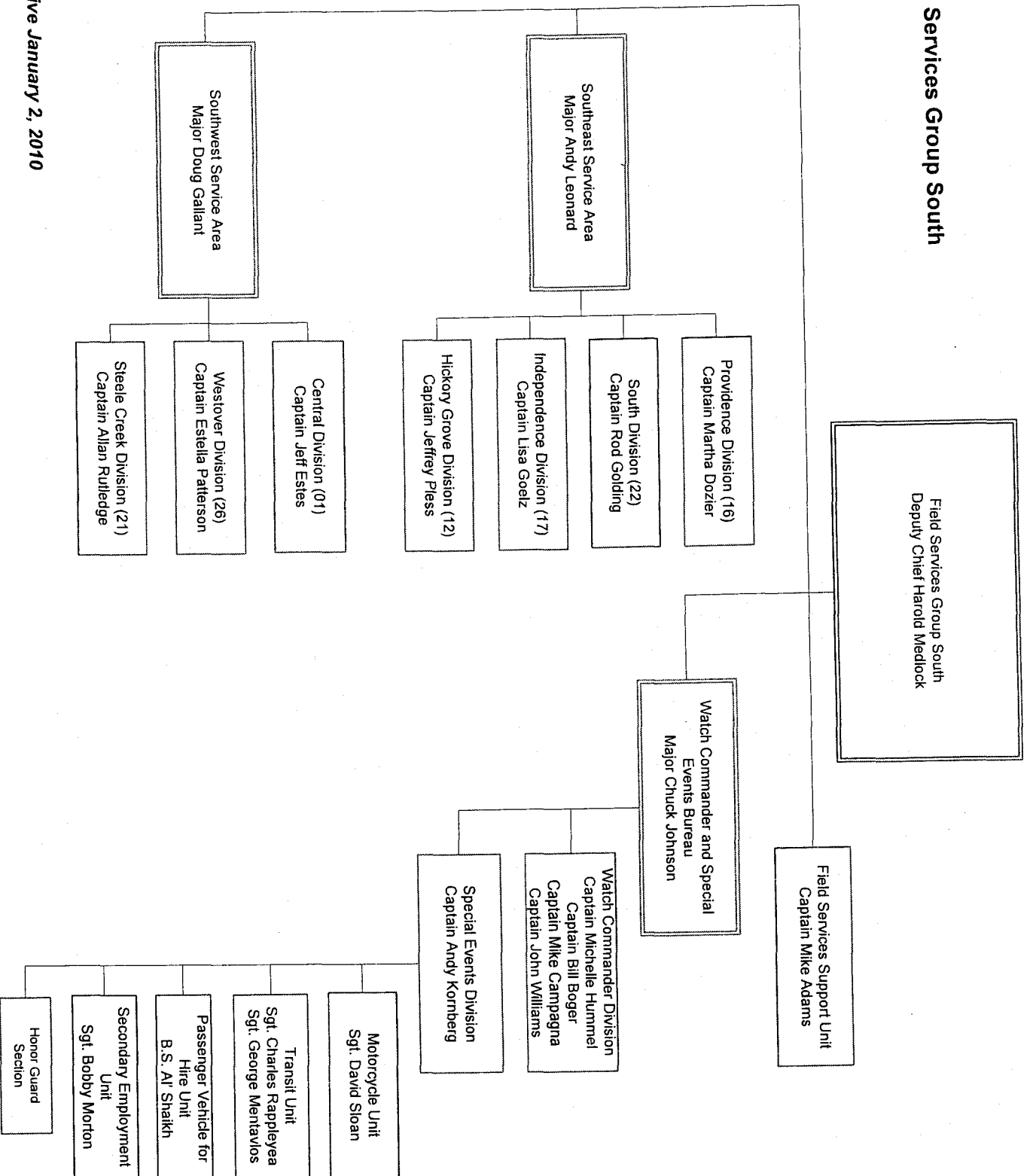


Field Services Group North



Effective January 2, 2010

Field Services Group South



Effective January 2, 2010

Support Services Group

Support Services Group
Deputy Chief Ruth Story

Special Operations Bureau
Major Dale Greene

Lab and Evidence Bureau
Major Rick Williams

Community Services Bureau
Major Vicki Foster

Special Operations Division
Captain Steven Brochu

Property and Evidence
Management Division
Richard Daniels

Crime Lab Division
Matthew Mains

Community Services and
Youth Division
Captain Karl Banerman

Animal Care and Control
Division
Mark Balestra

Canine Unit
Sgt. Mike Graue

Crime Scene Search
Unit
Sgt. Nelson Borking

Questioned
Documents Section
Jeff Taylor

Volunteers/COPS/
Alarm Coordinator/PAU
Right Moves for Youth
Unit
Sgt. Loraine Ellis

Chaplain
Rev. Daren McGrew

Aviation Unit & Civil
Emergency Unit
Sgt. Benton Herring

Biology Section
Sheree Enfinger

Crime Prevention
Section

SWAT Team &
ALERT Unit
Sgt. Eric Peterson

Latent Prints
Section
David Schultz

School Resource Unit
Sgt. Dave Schwob

Bomb Squad Unit
Sgt. James Windle

Firearms Section
Todd Ivodoff

Police Reserves Unit

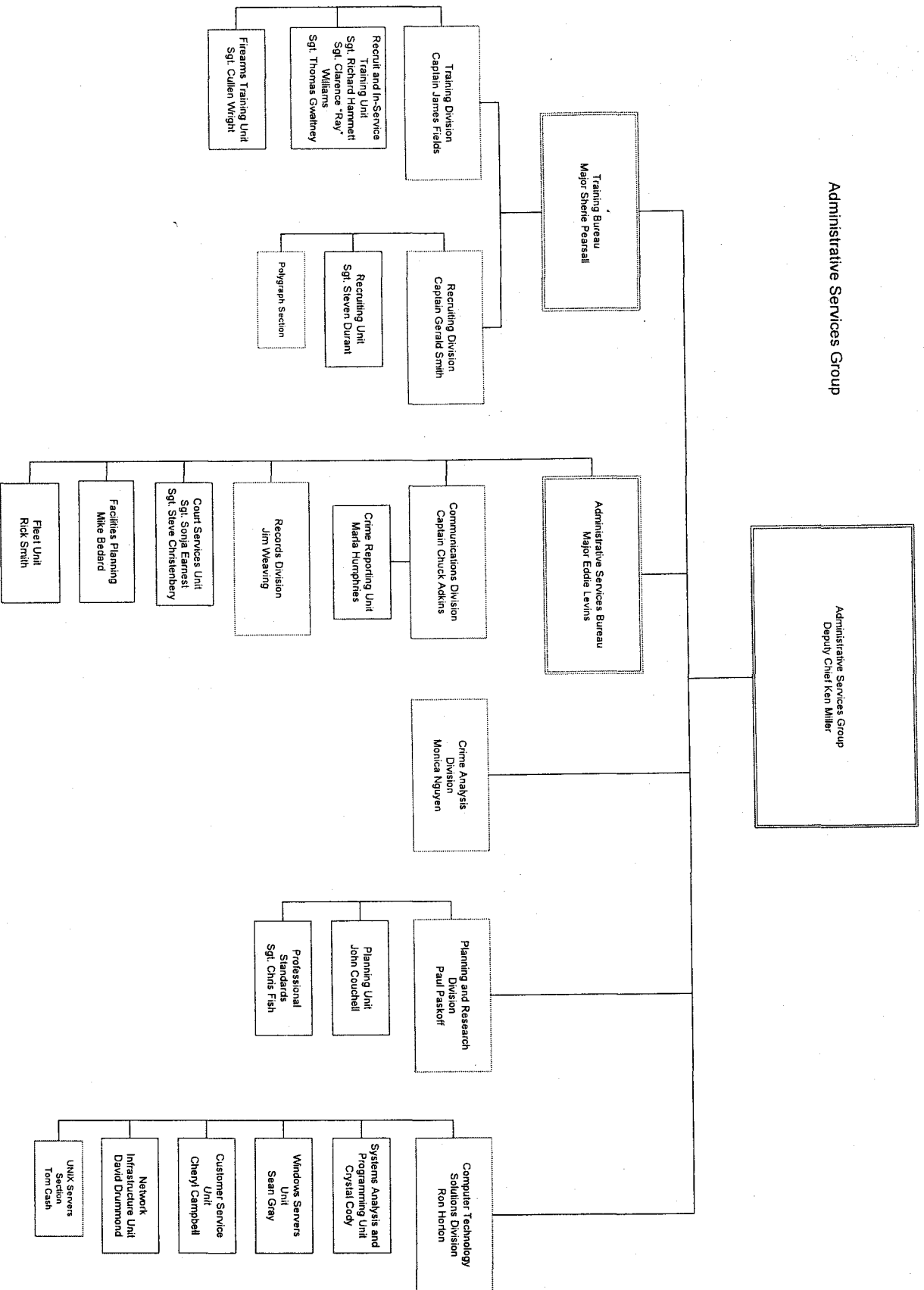
VCAT Unit
Sgt. Steve
Winterhalter

Chemistry Section
Kerika Alloway

Gang of One Section
Rev. Frances Cook

Electronic Monitoring
Unit
Sgt. Dave
Scheppegrell

Effective May 16, 2009



Effective January 2, 2010

EXECUTIVE SUMMARY

Bedford Heights, Ohio – Requirements Related to Missing Persons

Introduction¹

There are three sources of authority that establish the requirements that the Bedford Police Department (“BPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)²; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Bedford Police Department Standard Operating Procedure BF-220 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing.

Local Requirements

The Department Policy is the BPD’s statutorily required written policy. The Department Policy establishes the goal that all reports of missing persons are investigated immediately and thoroughly using all available resources.

The Department Policy prohibits the BPD from imposing any waiting period for reporting a missing person. The BPD defines a missing person as a person whose “whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.” The information will be immediately entered into state and national databases, including the National Crime Information Center (“NCIC”) and the National Center for Missing and Exploited Children. Based on the outcome of initial inquiries, the officer will make a decision about the potential danger to the missing person and the urgency of the police response.

The preliminary investigation is intended to gather information and to take steps that will aid in the search for and location of the person reported missing. The officers must complete a “thorough” investigation and a Missing Person Investigative Report, which must include information on the missed person’s appearance, habits, medical history, social network and place of employment or school. In addition, the report must provide information about vehicles involved, other items missing, and the geography of the area where the person was last seen. The missing person report along with a photograph of the missing person will be posted in the roll call room.

¹ The scope of this memorandum is limited to missing persons, and does not include the legal authority relevant to missing children.

² Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

If the person reported missing is disabled or elderly, the officer in charge will determine if initiating an alert through the A Child is Missing ("ACIM") program is appropriate. The ACIM program is appropriate for a disabled person, which the Department Policy defines as a person that (i) has a physical or mental impairment that severely limits self-care, (ii) is disoriented or unable to respond to simple questions, or (iii) is dependent on life sustaining medication. There is no age limit for the classification of a disabled individual reported as missing. The ACIM program can be used for a person reported missing that meets the above criteria even if the person is a habitual runaway. Additionally, the ACIM program is appropriate for an elderly individual, which the Department Policy defines as an individual that (i) is either 65 years or older, or has been diagnosed with early Alzheimer's, and (ii) is not usually missing, unless the person is in a nursing facility and is a frequent runaway.

Additionally, the officer will provide information to all other officers, neighboring police agencies, other necessary agencies, and, if parental or stranger-to-stranger abduction is suspected, the officer will contact the FBI. All information related to a missing person report will remain accessible to all police officers through the Dispatch Center.

The police chief and the missing person's family will determine if information about the person reported missing should be released to local media.

The ongoing investigation should include, but not be limited to, (i) contacting hospitals and the coroner's office to determine if any injured or deceased persons match the description of the missing person, and (ii) if the person is not located within 30 days, the release of dental records and any fingerprints available.

Closing Missing Persons Cases

When located, missing persons will be questioned to establish the circumstances surrounding their disappearance and whether criminal activity is involved. A competent adult cannot be forced to return home; however, BPD will notify the person who made the missing person report that the adult has been located and is safe. When a missing person is located, the BPD must notify all agencies and information systems previously contacted for assistance that the person reported missing has been located. The BPD must also notify the person who made the missing person report.

Comparison of Requirements for Bedford Police Department and Requirement for Cleveland Division of Police

The BPD Department Policy differs from the Cleveland Division of Police's policy on missing persons (the "Cleveland Policy") in three significant ways.

First, the BPD Department Policy establishes different procedures related to the initial report than the Cleveland Policy including (1) a broad definition of missing person, (2) the

VORYS

prohibition against a waiting period for reporting a person missing, and (3) the inclusion of detailed investigative checklist. The Cleveland Policy does not contain similar requirements.

Second, the BPD Department Policy requires different types of communication about the missing person between departments than the Cleveland Policy. The missing person report, including a photograph of the missing person, must be posted in the roll call room, and all information about the missing person must be made available to all officers by being kept in a prominent place in dispatch. The Cleveland Policy requires the NCIC reports to be kept by the Record File Section and the Missing Person Liaison, but does not elaborate on other officer's ability access this information.

Third, the BPD Department Policy provides more detailed information on issuing an alert through the ACIM program, but does not provide as much detail on the timeframe of making reports to NCIC or the state Law Enforcement Automated Data System ("LEADS").

SUMMARY

Bedford Heights, Ohio – Requirements Related to Missing Persons

According to the Bedford Police Department (“BPD”) website, the BPD employs thirty-one full-time sworn Police Officers, six full-time Dispatchers, two Secretaries, a Record Specialist and a JV Diversion Coordinator. The BPD also employs 13 part-time employees that provide support to the BPD. The BPD received 60 missing person reports in 2007, 78 in 2008, and 53 in 2009. Bedford has a population of 14,214, according to the 2000 census.

Sources of Authority Regarding Bedford Police Department Requirements Related to Missing Persons¹

There are three sources of authority that establish the requirements that the BPD must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)²; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Bedford Police Department Standard Operating Procedure BF-220 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing.

Local Requirements

The Department Policy is the BPD’s statutorily required written policy. The Department Policy establishes the goal that all reports of missing persons are investigated immediately and thoroughly using all available resources. The Department Policy is directed at supervisors, patrol officers, dispatch, the records department, and the detective bureau. The steps that these officers follow when investigating a missing person case, as set forth in the Department Policy, are outlined below.

Initial Report

The Department Policy prohibits the BPD from imposing any waiting period for reporting a missing person. The BPD defines a missing person as a person whose “whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject’s behavior patterns, plans, or routines.” An officer will verify that a person is missing and then complete a missing person

¹ The scope of this memorandum is limited to missing persons, and does not include the legal authority relevant to missing children.

² Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

report. An officer can take a missing person report in-person or by telephone. The information will be entered into state and national databases, including the National Crime Information Center ("NCIC") and the National Center for Missing and Exploited Children, immediately. Based on the outcome of initial inquiries, the officer will make a decision about the potential danger to the missing person and the urgency of the police response.

Preliminary Investigation

The preliminary investigation is intended to gather information and to take steps that will aid in the search for and location of the person reported missing. The officers must complete a "thorough" investigation and a Missing Person Investigative Report, which requires the following information:

- Missing person's identifying information (including name, date of birth, gender, race, height, weight, eye color, hair color)
- Missing person's phone numbers
- Missing person's address
- Information on where the missing person was last seen, and what the missing person was wearing
- Information on the circumstances of the person going missing
 - Whether the missing person was a prior runaway
 - Whether a parental/stranger abduction is suspected
 - Whether this is the first time the person has been missing
 - Whether there have been unexplained absences in the past (and, if so, where the missing person was located)
- Whether friends have been alerted
- Where the missing person typically spends time
- Information on the geography of the area in which the person may be missing (whether there is water nearby, or woods nearby)
- Whether other items are missing
 - The person's purse or wallet
 - The person's clothes in the closet
- Missing person's bank card and credit card
- Information on any vehicles involved
- Information on the missing person's place of employment or school
- Information on the missing person's associates

- Probation/parole officer
- Boyfriend/girlfriend
- Best friend
- Siblings
- Relatives in the area
- Information on the missing person's medical history
 - Mental illness/mental handicap
 - Medications
 - History of drug/alcohol abuse
 - Physician
 - Dentist

The officer conducting the preliminary investigation should also obtain a photograph of the missing person, which will be posted on the board to the rear of the roll call room, along with the missing person report. If a photograph is not immediately available, the missing person report will be posted alone.

The Department Policy references an Investigative Checklist for First Responders ("Checklist"). This Checklist is to be used when the person reported missing is a child, but it does provide a useful list of investigative tasks and clearly define the responsibilities of the first responder, the supervisory officer and the investigative officer.

The Department Policy notes that it may be necessary to obtain outside assistance from local or national agencies.

Release of Information

If the person reported missing is disabled or elderly, the officer in charge will determine if initiating an alert through the A Child is Missing ("ACIM") program is appropriate. The ACIM program is appropriate for a disabled person, which the Department Policy defines as a person that (i) has a physical or mental impairment that severely limits self-care, (ii) is disoriented or unable to respond to simple questions, or (iii) the person is dependent on life sustaining medication. There is no age limit for the classification of an individual reported missing as disabled. The ACIM program can be used for a person reported missing that meets the above criteria even if the person is a habitual runaway. Additionally, the ACIM program is appropriate for an elderly individual, which the Department Policy defines as an individual that (i) is either 65 years or older, or has been diagnosed with early Alzheimer's, and (ii) is not usually missing, unless the person is in a nursing facility and is a frequent runaway.

The Department Policy indicates that there is a complete policy notebook in the Dispatch Center that includes all of the information needed for proper reporting through the ACIM program. The Department Policy also provides information on the procedure for reporting through the ACIM program. First, calls made to ACIM should be made between 0700 and 2100 hours, unless there are extenuating circumstances. Second, the officer on scene must complete the ACIM investigative form, and then provide that information to ACIM by phone or contact ACIM by pager. Dispatch will record the number of calls generated by ACIM. If there are confirmed sightings of the person reported missing after the initial ACIM report is made, ACIM may be contacted again. If ACIM is contacted multiple times, each contact must be noted in the missing person report by time, date, and last location sighting. If the missing person is found, ACIM must be notified as soon as possible. ACIM will fax the BPD a Case Follow Up report, which must be completed by the officer primarily responsible for the missing person investigation and faxed to ACIM.

Additionally, the officer will provide information to all other officers, neighboring police agencies, other necessary agencies, and, if parental or stranger-to-stranger abduction is suspected, the officer will contact the FBI. All information related to a missing person report will remain accessible to everyone. The information related to a missing person report, regardless of whether the case is open or closed, will be placed in a folder and filed in the Dispatch Center. The file must be marked with the missing person's name and the incident report number.

The police chief and the missing person's family will determine if information about the person reported missing should be released to local media.

Ongoing Investigation

The ongoing investigation should include, but not be limited to, (i) contacting hospitals and the coroner's office to determine if any injured or deceased persons match the description of the missing person, and (ii) if the person is not located within 30 days, the release of dental records and any fingerprints available.

Closing Missing Persons Cases

Upon being located, missing persons will be questioned to establish the circumstances surrounding their disappearance and whether criminal activity is involved.

If a missing adult is located, but is determined to be a competent adult who left home for personal reasons, the adult cannot be forced to return home. However, the BPD will inform the individual who made the missing person report that the person reported missing has been located, has not been harmed, and is not in danger.

When a missing person is located, the BPD must notify all agencies and information systems previously contacted for assistance that the person reported missing has been located. The BPD must also notify the person who made the missing person report.

Comparison

The BPD Department Policy differs from the Cleveland Division of Police policy on missing persons (the "Cleveland Policy") in three significant ways.

First, the BPD Department Policy establishes different procedures related to the initial report than the Cleveland Policy. The BPD Department Policy's definition of a missing person is broad and includes any person whose "whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines." The Cleveland Policy does not define "missing person." In addition, the BPD Department Policy prohibits the imposition of any waiting period before taking a missing person report, while the Cleveland Policy is silent on the timeframe for taking a missing person report. Additionally, the BPD Department Policy permits an officer to take a missing person report in-person or over the telephone. Again, the Cleveland Policy is silent on this issue. Finally, the BPD Department Policy provides a detailed Investigative Report that the officer must complete, which mandates that the officer obtain comprehensive information about the missing person's personal information, habits, and social network. The Cleveland Policy does not include as specific of an investigative report.

Second, the BPD Department Policy requires different types of communication about the missing person between departments than the Cleveland Policy. The missing person report, including a photograph of the missing person, must be posted in the roll call room, and all information about the missing person must be made available to all officers by being kept in a prominent place in dispatch. The Cleveland Policy requires the NCIC reports to be kept by the Record File Section and the Missing Person Liaison, but does not elaborate on other officer's ability access this information. The Cleveland Policy does require communication of the missing person information to the district if the missing person is classified as an endangered or elderly adult through a broadcast on all channels and readings of the missing person report at subsequent roll calls.

Third, the BPD Department Policy provides more detailed information on issuing an alert through the ACIM program, but does not provide as much detail on the timeframe of making reports to NCIC or the state Law Enforcement Automated Data System ("LEADS").



Bedford Police Department Standard Operating Procedure

BF-220

Missing Persons and Missing Juveniles Amber Alert / ACIM / Truckers Assistance

Issued: 2/9/04 Revised: 11/20/09 Approved: 11/20/09 Total pages: 16

- | | | |
|---|--|---|
| <input type="checkbox"/> All | <input checked="" type="checkbox"/> Detective Bureau | <input type="checkbox"/> Jail |
| <input checked="" type="checkbox"/> Supervisors | <input checked="" type="checkbox"/> Dispatch | <input type="checkbox"/> Auxiliaries |
| <input checked="" type="checkbox"/> Patrol | <input checked="" type="checkbox"/> Records | <input type="checkbox"/> Animal Control |
| | | <input type="checkbox"/> Other _____ |

I. Purpose

The purpose of this policy is to establish responsibilities and guidelines for the investigation of missing adults and missing juveniles and to comply with House Bill 571.

II. Policy

It is the policy of the Bedford Police Department that all reports of missing persons be investigated immediately and thoroughly. All available resources will be used to locate the missing adult or missing juvenile.

III. Procedure

Reporting of Missing Persons

There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.

- If the person missing is a Minor (under 18 years of age), all provisions of Section 2901.30 of the Ohio Revised Code will be followed.
- A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of police response.

Preliminary Investigation

The preliminary investigation is intended to gather information and to take those steps that will aid in the search for and location of a missing person/juvenile.

Upon verification of a missing person/juvenile, a missing person/juvenile report shall be completed and appropriate entries made in state and national information databases immediately, and in accordance with established procedures (i.e. NCIC and The National Center for Missing and Exploited Children 1-800-843-5678).

When dealing with a missing juvenile, disabled person or elderly person, the OIC will determine if using ACIM, Amber Alert or Truckers Helping to Recover Ohio's Children will aid in the recovery of the missing person.

A thorough investigation will be conducted. The officers will use the attached Report Forms and the Investigative Checklist for First Responders. FORM A will be used on ALL Adult & Juvenile Missing Person Reports and FORM B will be used on ALL Missing Juvenile Reports. *(For repeat runaways just use the first investigative Form B.)*

The officer shall provide information to other officers, neighboring police agencies and other necessary agencies. If parental or stranger-to-stranger abduction is suspected contact the FBI.

So that information will remain available to everyone, information obtained in the investigation will be placed in a folder and filed in the Dispatch Center. This will include active and closed cases. The file should be marked with the missing person's name, and incident report number.

The investigating officer shall obtain a photo of the missing person. A copy of the report and photo will be posted on the board to the rear of the roll call room. If a photo is not immediately available the report will still be posted alone.

If a photo of a juvenile is not available, upon return, a photo will be taken of the juvenile, attached to the Incident Report and placed in the file.

The decisions to use local media to help locate missing persons shall be made with the approval of the police chief and the missing person's family.

Upon taking a missing juvenile report of a foster child, it should be determined if information is available on dental records, etc. If no information is available, upon return of the foster child, a DNA swab will be obtained from the juvenile and forwarded to the foster parent for future reference, if necessary.

Ongoing Investigation

Ongoing investigations of missing persons should include but should not be limited to:

Release of dental records and any fingerprints available, if the person is not located within 30 days.

Contacting of hospitals and coroner's office for injured or deceased persons fitting the description of the missing person.

Recovery of Missing Persons and Case Closure

Competent adults, having left home for personal reasons, cannot be forced to return home. In all cases, reporting parties shall be informed of the well being of located missing persons.

Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

In cases involving juveniles, officers shall ensure that initial questioning of the juvenile identifies:

- The circumstances surrounding the child's disappearance
- If any individuals may be criminally responsible
- Whether an abusive or negligent home environment was a contributory factor

Within 24 hours of return, a complete report on the whereabouts, actions and activities of juveniles while missing shall be included in an investigative report.

Upon the location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated, including the complainant.

Habitual/High-risk Runaways

Juveniles that runaway three times within a year shall be considered habitual/High-risk runaways. High risk runaways are more prone to prostitution, drug abuse and abduction.

A juvenile that has runaway three or more times within a year will be charged in juvenile court with **2151.022 Unruly Child**.

Outside Resources

It may be necessary to obtain assistance from local and/or national agencies.

Amber Alert

*** A Policy notebook is located in the dispatch center with all the required information needed for proper reporting and notifications.**

The AMBER ALERT requires an executive officer of the law enforcement agency to verify that all four (4) specific criteria listed below have been satisfied. The Chief of Police or Executive Officer (or in their absence a designee) are to be contacted prior to the activation of an AMBER ALERT.

Criteria

The child is 17 or under.

There is credible information that suggests that the child was forcibly or intentionally removed or lured away from their location and the child remains missing.

The law enforcement agency believes the child is in danger of serious bodily harm or death.

There is enough descriptive information about the child, alleged abductor(s), and/or alleged abductor(s) vehicle to believe an immediate broadcast alert will help.

Procedure

If the criteria are met the alert information must be put together, using the appropriate forms and format for public distribution. This information can include description and pictures of the missing child, the alleged abductor(s), alleged abductor(s) vehicle and any other information available and valuable to identifying the child and alleged abductor(s).

An AMBER ALERT may result in an overload of phone calls and leads. It is highly recommended that personnel be in place to take the calls and process the leads. To alleviate the burden placed on the dispatchers, an EMERGENCY call in number can be utilized and will be routed directly to the phones in roll -call. The number is 440-735-6625. THIS NUMBER IS ONLY TO BE USED FOR EMERGENCY SITUATIONS and is not to be used for other department or personal use.

Steps for Activation

1. CECOMS will be contacted at 216-771-1363 to request an AMBER ALERT.
2. Complete and FAX the 3-page "URGENT FAX" forms to CECOM at 216-443-5705 and 216-443-4923.

Cancellation of the AMBER ALERT

Upon the confirmed recovery of the child by any law enforcement agency, the dispatcher will immediately call CECOMS at 216-771-1363 and advise them of the cancellation. The dispatcher will then send a "CANCELLATION" fax form to CECOMS at 216-443-5705 and 216-443-4923. Upon receipt of the notice, participating media outlets will be contacted by CECOMS and the AMBER ALERT will be cancelled.

All officers should maintain a copy of the necessary reporting forms so the appropriate information can be recorded at the scene for quicker response to CECOMS.

In addition to the mandatory forms please have a "LIABILITY AGREEMENT" and "AUTHORIZATION FOR RELEASE OF JUVENILE INFORMATION" filled out and signed.

All forms are in the "F" Drive folder "AMBER Alert".

A Child Is Missing (ACIM)

* A Policy notebook is located in the dispatch center with all the required information needed for proper reporting and notifications.

Criteria**Juveniles:**

- The juvenile must be 17 or younger
- The reporting person must be an adult family member, teacher, or another adult who is responsible for the child
- If the juvenile is a habitual runaway, ACIM would be used if foul play is suspected
- ACIM may be used for a first time runaway

Senior Citizens:

- The person must be 65 years of age or older. Unless they have early Alzheimer's.
- It must be out of character for the elderly person to be missing.
- ACIM can be used even if an elderly person is a frequent walk away from a nursing facility.

Disabled Persons:

For the purpose of the guideline, a disabled person will fall into one of the following categories:

The person has a physical or mental impairment that severely limits self-care

The person is disoriented or unable to respond to simple questions regarding personal information such as name/address

The person is dependant upon life sustaining medication.

Exigent circumstances may lead us to use ACIM even if the person is a habitual runaway or walk away

There is no age limit for disabled persons

Procedure

The calling times are between 0700 hours and 2100 hours. Calls can be made during other hours if there are extenuating circumstances.

An officer on scene must complete the **ACIM** investigative form and then call **ACIM** immediately at 1-888-875-2246 or (pager) 1-954-492-4788.

Dispatch will record the number of calls generated by **ACIM**.

If there are confirmed sightings outside of the initial calling area and the missing person is still not found, **ACIM** may be used again.

If **ACIM** is used multiple times just note each use by time, date and last location sighting in the original complaint.

If the missing person is found, **ACIM** will be notified as soon as possible. **ACIM** will then fax a Case Follow Up report to us. It will be completed by the primary officer and faxed back to **ACIM** at (954) 763-4569.

Truckers Helping to Recover Ohio's Missing Children

*** A Policy notebook is located in the dispatch center with all the required information needed for proper reporting and notifications.**

Criteria

Missing report must be filed and

The child must be entered into NCIC/LEADS and

The child must fall into one of the following categories.

Stranger/Non Family abductions

- Amber Alert criteria will be used

Family abductions (one or more of the following must be met)

- Abduction by non-custodial relative (other than non-custodial parent)
- Abduction by non-custodial parent who has a criminal record or outstanding warrant(s) for his or her arrest
- Abduction by non-custodial parent where there is reason to believe that flight to another city, state or country is a probability
- Abduction by non-custodial parent where foul play is suspected
- Abduction by a companion of a custodial or non-custodial parent or relative

Endangered Runaways (one or more of the following must be met)

- Child is believed to be out of the safety zone for his or her age and developmental stage
- Child is mentally incapacitated
- Child is drug dependant, including prescribed medication and/or illegal substances

- Child was missing from home for more than 24 hours before being reported to Police
- Child is believed to be in a life-threatening situation
- Child is believed in the company of adults who could endanger his or her welfare
- Child's absence is inconsistent with his or her established patterns of behavior and the deviation cannot be readily explained
- Child's absence was promoted by Internet involvement
- Other circumstances involved in the child's disappearance that would cause a reasonable person to conclude that the child should be considered "at risk"

Lost or Endangered Missing

- Any lost or missing child who was last seen alone accompanied with suspicious circumstances

Procedure

Ohio Missing Children Clearinghouse will be contacted, at 1-800-325-5604, to request their assistance and give them the scope for the call (city, county, and region).

The form that they provide will be completed. A completed form and a picture of the child will be faxed to **Truckers Helping to Recover Ohio's Missing Children**. During regular business hours fax the documents to (614) 728-9536. After 1630hrs and Weekends we fax them to BCI at (740) 845-2021.

The information will then be faxed/e-mailed to participating trucking companies.

Once the child is recovered Ohio Missing Children Clearinghouse will contact all participating trucking companies and update them.

FORM A

BEDFORD POLICE

Missing Person Investigative Report

Incident Number: _____ Date: _____ Time: _____

Name of Missing Person: _____

Home Phone: _____ Cell Phone: _____ Pager: _____

Address: _____

DOB: _____ M/F: _____ Race: _____ Height: _____

Weight: _____ Eyes: _____ Hair: _____ Photo? : _____

Clothing: _____

Last Seen: _____

Prior runaway: _____ Friends alerted: _____ Water in area: _____ Woods: _____

Parental/Stranger abduction: _____ 1st time missing: _____

Purse/Wallet Missing: _____ Clothes in Closet: _____

Unexplained absences in past? _____

Where did they go? _____

Where do they Hang Out? : _____

Bank Card/ Credit Card? : _____

Vehicle Involved

License #: _____ Color: _____ Make: _____ Model: _____

Direction of Travel: _____

Other identifying features: _____

Work: _____ Phone #: _____

School/Grade: _____ Counselor: _____

Probation/Parole Officer: _____ Phone #: _____

Boyfriend/Girlfriend: _____ Phone #: _____

Best Friend: _____ Phone #: _____

Brothers/Sisters (name/phone): _____

Other relatives in area: _____

History

Mental Illness/Mental Handicap: _____

Medications: _____

History of Drug/Alcohol Abuse: _____

Physician: _____

Dentist: _____

FORM B

BEDFORD POLICE

Missing Juvenile Investigative Report

1. Juveniles Name: _____ DOB: _____
2. Who lives/stays with juvenile (include names and relationship)? _____

3. Type of Residence (home, trailer, apartment, etc): _____
4. Describe neighborhood (rural, residential, mixed residential/industrial, urban):

6. Juvenile's Socioeconomic Status: Upper Middle Lower
7. Describe current health status (physical & mental): _____

8. Juvenile Criminal Record: Yes / No (If yes, list offenses, dates, locations, and dispositions): _____

9. Prior Victimization (e.g. sexual, physical, psychological): Yes / No (If yes, explain)

10. Describe the juvenile's family structure (e.g. include divorces, half/step parents & siblings): _____

11. Describe the quality (positive & negative) of family relationships (e.g. strength of bonds, ongoing conflicts, including custodial issues, estrangements, etc.) _____

12. What is juvenile's style of dress and personal grooming (include items typically carried)? _____

13. Has the juvenile ever physically met with someone he/she initially met online? Yes / No (If yes, describe): _____

14. Outside of home and school, how/where does juvenile spend most of his/her time? _____

15. What are juvenile's interest/preferences (type of music, video games, sports, movies, books)? _____

16. Describe the juvenile's personality: _____

17. Has the juvenile ever discussed or displayed fear, concern, or discomfort about a person or situation? (If yes, explain): _____

18. Enemies or persons disliked (explain): _____

19. Juvenile's reputation in school/community _____

20. Sexual orientation and adjustment: _____

21. Is the juvenile sexually active: Yes / No (if yes, explain): _____

22. Any notable personal habits (good or bad)? _____

23. Any significant event prior to the juvenile missing (relationship problems, school problems, family issues, police contact, etc.)? _____

24. Spending habits: _____

25. Does victim engage in any potentially risky behaviors (e.g. drugs, alcohol, hitchhiking, daredevil behavior, thrill-seeking, unprotected sex)? Yes / No (if yes, explain): _____

26. Does the victim have any behavioral problems/issues, and how addressed? _____

27. Describe how victim interacts with strangers: _____

Other insights regarding the victim: _____

Comment Section (refer by question #): _____

ALERT:
Call to Truckers Helping to Recover
Ohio's Missing Children Report

MISSING CHILD INFORMATION:

Name: _____ Age: _____ DOB: _____ Sex: _____ Race: _____ Ht.: _____ Wt.: _____

Hair color: _____ Hair texture (e.g. curly/straight): _____ Hair length: _____

Eye color: _____ Eyeglasses (y/n; description): _____ Facial Hair: _____

Scars, tattoos, etc.: _____ Clothing description: _____

Location missing from/last seen: _____

Last seen alone: _____ Last seen with (name if known): _____

ALLEGED ABDUCTOR INFORMATION:

Name: _____ Age: _____ DOB: _____ Sex: _____ Race: _____ Ht.: _____ Wt.: _____

Hair color: _____ Hair texture (e.g. curly/straight): _____ Hair length: _____

Eye color: _____ Eyeglasses (y/n; description): _____ Facial Hair: _____

Scars, tattoos, etc.: _____ Clothing description: _____

Relationship to child: _____ Possible destination: _____

VEHICLE INFORMATION:

Make: _____ Model: _____ Color: _____

Year: _____ State of license plate: _____ License plate number: _____

Other descriptive information: _____

Last seen at (date/time): _____ In (city/village, street): _____

Direction of travel: _____

ADDITIONAL INFORMATION:

This child is believe to be or have been:

- ☐ Abducted by a stranger.
 ☐ Abducted by a family member.
- ☐ An endangered runaway.
 ☐ Lost or missing.

REPORTING LAW ENFORCEMENT AGENCY INFORMATION:

Agency name: _____ Agency phone number: (____) _____

Contact name: _____ Contact phone number: (____) _____

Law enforcement personnel are to email reports to the Ohio Missing Children Clearinghouse at Ohioch@locaterposters.org, or fax to (614) 9536. After 4:30 M-F, on weekends or holidays, email reports to the Ohio Bureau of Criminal Identification and Investigation Ohioch@locaterposters.org, or fax to (740) 845-2021. For questions, contact the Ohio Missing Children Clearinghouse at 1-800-325-5604.

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS

This checklist is meant to provide a framework of actions, considerations, and activities that can assist in performing competent, productive, and successful missing/abducted-children investigations.

First Responder

- ☐ Interview family member/person who made the initial report.
- ☐ Confirm that the child is in fact missing.
- ☐ Verify the child's custody status.
- ☐ Identify the circumstances of the disappearance.
- ☐ Determine when, where, and by whom the missing child was last seen.
- ☐ Interview the individuals who last had contact with the child.
- ☐ Identify the child's zone of safety for his or her age and developmental stage.
- ☐ Based on the available information, make an initial determination of the type of incident whether nonfamily abduction, family abduction, endangered runaway, or lost, injured, or otherwise missing.
- ☐ Obtain a detailed description of the missing child, abductor, and any vehicles used.
- ☐ Secure photographs/videotapes of the missing child/abductor.
- ☐ Evaluate whether circumstance of child's disappearance meets AMBER Alert and/or other immediate community notification protocol. Discuss plan activation with supervisor.
- ☐ Relay detailed descriptive information to communications unit for broadcast updates.
- ☐ Determine need for additional personnel including investigative and supervisory staff.
- ☐ Brief and bring up-to-date all additional responding personnel.
- ☐ Identify and separately interview everyone at the scene. Make sure that their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
 - ☐ Note name, address, home/business telephone numbers of each person.
 - ☐ Determine each person's relationship to the missing child.
 - ☐ Note information that each person may have about the child's disappearance.
 - ☐ Determine when/where each person last saw the child.
 - ☐ Ask each one, "What do you think happened to the child?"
 - ☐ Obtain names/addresses/telephone numbers of child's friends/associates and other relatives and friends of the family.
- ☐ Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- ☐ Obtain and note permission to search home or building where incident took place.
- ☐ Conduct an immediate, thorough search of the missing child's home, even if the child was reported missing from a different location.
- ☐ Seal/protect scene and area of the child's home (including child's personal articles such as hairbrush, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/videotape these areas.
- ☐ Evaluate the contents and appearance of the child's room/residence.
- ☐ Inquire if child has access to the Internet and evaluate its role in the disappearance.
- ☐ Ascertain if child has a cellular telephone or other electronic communication devices.
- ☐ Extend search to surrounding areas including vehicles and other places of concealment.
- ☐ Treat areas of interest as potential crime scenes.
- ☐ Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
- ☐ Interview other family members, friends/associates of the child, and friends of the family to determine
 - ☐ When each last saw the child.
 - ☐ What they think happened to the child.

- [] Review sex-offender registries to determine if individuals designated as sexual predators live, work, or might otherwise be associated with area of child's disappearance.
- [] Ensure that information regarding the missing child is immediately entered into the National Crime Information Center's (NCIC) Missing Person File and any information about a suspected abductor is entered into the NCIC Wanted Person File. (Carefully review NCIC categories before entering the case, and be sure to use the Child Abduction flag whenever possible.)
- [] Prepare flier/bulletin with the child/abductor's photograph and descriptive information. Distribute in appropriate geographic regions.
- [] Prepare reports/make all required notifications.

Supervisory Officer

- [] Obtain briefing and written reports from the first responding officer and other personnel at the scene.
- [] Decide if circumstances of child's disappearance meet the protocol in place for activation of an AMBER Alert and/or other immediate community notification.
- [] Determine if additional personnel are needed to assist in the investigation.
- [] Establish a command post away from the child's residence.
- [] Determine if additional assistance is necessary from
 - [] State Police.
 - [] State Missing Children's Clearinghouse.
 - [] Federal Bureau of Investigation (FBI).
 - [] Specialized Units.
 - [] Victim-Witness Services.
 - [] NCMEC's Project ALERT/Team Adam.
- [] Ensure that all the required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.
- [] Ensure coordination/cooperation among all law-enforcement personnel involved in the investigation and search effort.
- [] Ensure that all required notifications are made.
- [] Ensure that all agency policies and procedures are in compliance.
- [] Be available to make any decisions or determinations as they develop.
- [] Use media including radio, television, and newspapers to assist in the search for the missing child and maintain media relations, per established protocols, throughout the duration of the case.

Investigative Officer

- [] Obtain briefing from the first responding officer and other on-scene personnel.
- [] Verify the accuracy of all descriptive information and other details developed during the preliminary investigation.
- [] Initiate a neighborhood canvass using a standardized questionnaire.
- [] Obtain a brief, recent history of family dynamics.
- [] Corroborate and investigate the reasons for conflicting information offered by witnesses and other individuals.
- [] Review and evaluate all available information and evidence collected.
- [] Contact landfill management and request that they segregate garbage and dumping containers from key investigative areas in cases where it is suspected that there may be imminent danger to the missing child.
- [] Develop and execute an investigative plan.
- [] Conduct a criminal-history check on all principal suspects and participants in the investigation.
- [] Determine what additional resources and specialized services are required.
- [] Ensure that details of the case have been reported to NCMEC.
- [] Prepare and update bulletins for local law-enforcement agencies, state missing children's clearinghouse, FBI, and other appropriate agencies.
- [] Secure the child's latest medical and dental records.
- [] Establish a telephone hotline for receipt of tips and leads.
- [] Establish a leads-management system to prioritize leads and help ensure that each one is reviewed and followed up on.

EXECUTIVE SUMMARY

Chicago, Illinois - Requirements Related to Missing Persons

Introduction

The Illinois Compiled Statute Section 50 I.L.C.S. 722/5 (the "Statutory Requirements"), known as the Missing Persons Identification Act, establishes the requirements that law enforcement agencies within the state of Illinois must comply with in relation to missing persons. In addition, the Chicago Police General Order 98-05 (the "CPDGO") and Section I – Youth Investigations Section Organization – Special Victim's Unit Manual of Procedure (the "Manual") provide specific guidelines and procedures the Chicago Police Department ("Chicago PD") must follow when an adult is reported missing.

State Law Requirements

The Statutory Requirements require all law enforcement agencies to accept without delay any report of a missing person. Additionally, the Statutory Requirements specify reasons that missing person reports should not be refused. Missing person reports may be made in person, by phone, by electronic or other media consistent with law enforcement practices and policies.

The Statutory Requirements also include a detailed list of information that must be included in each missing person report. Notification must be provided to the individual making the report or the missing person's family members of the progress made in regards to the search of the missing person by the law enforcement agency. Protocol that must be followed in the event the person is missing for more than 30 days is also listed in the Statutory Requirements. The law enforcement agency is also required to immediately enter all collected information regarding any person reported missing into the Law Enforcement Agencies Data System ("LEADS") and the National Crime Information Center ("NCIC") databases.

Local Requirements

The CPDGO outlines procedures for reporting and investigating missing persons. It outlines the following: (1) policy of the CPDGO; (2) definition of missing juvenile, missing adult, found person, located person, "high risk" person, disabled missing, endangered missing, and elderly missing; (3) general information regarding the process the Chicago PD and Missing Person Section ("MPS") follow when an individual is reported missing; (4) preliminary officer duties; (5) supervising sergeant duties; (6) district watch commander duties; (7) youth investigations division duties; (8) missing person section duties; (9) specific protocol for a located person; and (10) specific protocol for a found person.

The Manual provides the internal functions and operational procedure for the MPS. The Manual outlines the following: (1) purpose of the MPS; (2) functions of the MPS; (3) procedures for a detective or officer to follow when a missing person is under the age of twenty-one; (4) protocol for entries made into LEADS and NCIC; (5) protocol for out of town requests for missing person reports; (6) missing person investigations and the responsibilities of the MPS; (7)

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

protocol for "high risk" cases including supervisory responsibility; (8) how report status may be changed and approval necessary on the part of the supervisor; (9) reporting cycle and supervisory responsibility; (10) protocol when detective is unable to make contact with the complainant; (11) investigative techniques to assist the detective in locating the missing person; (12) CHRIS context search information; (13) protocol in the event of a missing person being found or located; and (13) medical examiner's forensic detail duties.

Comparison of Requirements for Chicago Police Department and Requirements for Cleveland Division of Police

Overall, the Ohio Revised Code ("ORC") has more requirements for state police and definitions of terms regarding missing persons. However, the local requirements of the Chicago PD are extremely detailed. The local requirements address issues that are likely encountered during the process of searching for a missing person. These issues include: (1) being unable to make contact with the complainant that reported the person missing; (2) changing the reporting status of the missing person from "high risk" to non "high risk" when efforts to locate the missing person have been unsuccessful (3) how to document the search procedures and actions taken to find the missing person; (4) how often the detective should report information regarding the search to his supervisor; (5) how long the search for the missing person should last; and (6) techniques that can be used by the detective that will increase the likelihood of locating the missing person. The local requirements are extremely thorough and list the duties of all law enforcement personnel from the moment a complainant calls the Office of Emergency Communication to the moment the person is found or located. It also lists procedures for law enforcement personnel to follow in the event unusual circumstances occur.

SUMMARY

Chicago, Illinois - Requirements Related to Missing Persons

Background Information on Chicago, IL

The city of Chicago's population is currently 2,829,304. Crime in the United States, 2008. There are 13,359 Chicago police officers. Id. The missing person reports filed in 2007 totaled 18,898. See Division of Police Memorandum attached. This number decreased in 2008 with 17,969 missing person investigations. Id. In 2009, there were 16,216 missing person reports filed. Id. The Youth Investigative Division – Missing Person Section is responsible for the investigation of all missing persons in the Chicago area.

Sources of Authority Regarding Illinois Requirements Related to Missing Adults

The Illinois Compiled Statute Section 50 I.L.C.S 722/5, known as the Missing Persons Identification Act (the "Statutory Requirements"), is the source of authority that establishes the requirements that law enforcement agencies must comply with in relation to missing persons. The Chicago Police Department ("Chicago PD") follows specific protocol regarding procedures and policies for missing persons. This information is located in the Chicago Police General Order 98-05 (the "CPDGO") and Section I – Youth Investigations Section Organization- Special Victim's Unit Manual of Procedure (the "Manual"). All sources referenced in this Summary are attached.

State Law Requirements

The Statutory Requirements establish certain reporting procedures that all law enforcement agencies must comply with when an individual is reported missing. The Statutory Requirements require all law enforcement agencies to accept without delay any report of a missing person. Additionally, the Statutory Requirements specify that law enforcement agencies may not refuse to accept a report:

- On the basis that the missing person is an adult;
- On the basis that the circumstances do not indicate foul play;
- On the basis that the person has been missing for a short period of time;
- On the basis that the person has been missing a long period of time;
- On the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- On the basis that the circumstances suggest that the disappearance may be voluntary;

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- On the basis that the reporting individual does not have personal knowledge of the facts;
- On the basis that the reporting individual cannot provide all of the information requested by the law enforcement agency;
- On the basis that the reporting individual lacks a familial or other relationship with the missing person; or
- For any other reason.

Missing person reports may be made in person, by phone, by electronic or other media consistent with law enforcement practices and policies. The Statutory Requirements include a detailed list of information that must be included in the missing person report including:

- the name of the missing person, including alternative names used;
- the missing person's date of birth;
- the missing person's identifying marks, such as birthmarks, moles, tattoos, and scars;
- the missing person's height and weight;
- the missing person's gender;
- the missing person's race;
- the missing person's current hair color and true or natural hair color;
- the missing person's eye color;
- the missing person's prosthetics, surgical implants, or cosmetic implants;
- the missing person's physical anomalies; and
- the missing person's blood type, if known.

The law enforcement agency must notify the individual making the report or the missing person's family members of the progress made in regards to the search of the missing person. If a person reported missing remains missing for more than 30 days the law enforcement agency must attempt to obtain (1) DNA samples from family members of the missing person (along with certain required consent forms); (2) an authorization to release dental or skeletal x-rays of the missing person; (3) additional photographs of the missing person that may aid in the investigation (the photographs can be released to the public without written authorization) and (4) fingerprints of the missing person.

The Statutory Requirements also provide the process that the law enforcement agency must follow to analyze and report the missing person's information. First, the law enforcement agency must determine if the person reported as missing is a "high-risk missing person." The factors that determine if a person is a high-risk missing person are: (1) the person is missing as a result of a stranger abduction; (2) the person is missing under suspicious circumstances; (3) the

person is missing under unknown circumstances; (4) the person is missing under known dangerous circumstances; (5) the person is missing more than 30 days; (6) the person has already been designated as a "high risk" missing person by another law enforcement agency; (7) there is evidence that the person is at risk because he is in need of medical attention, including but not limited to dementia-like symptoms, or in need of prescription medication; the person does not have a pattern of running away or disappearing; the person may have been abducted by a non-custodial parent; the person is mentally impaired; the person has been the subject of past threats or acts of violence; the person has escaped from a nursing home; or any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

The law enforcement agency is required to immediately enter all collected information regarding any person reported missing into the Law Enforcement Agencies Data System ("LEADS") and the National Crime Information Center ("NCIC") databases. All DNA information gathered by the Department of State Police is then uploaded into the missing person databases of the State DNA Index System ("SDIS") and National DNA Index System ("NDIS"). Information that is relevant to the FBI's Violent Criminal Apprehension Program is entered into that database as soon as possible.¹

Under the Statutory Requirements, the Department of State Police (the "DSP") must input relevant information concerning the missing person into the LEADS database. This includes:

- Relevant information obtained from the notification concerning the missing person, including all of the following:
 - a physical description of the missing person;
 - the date, time, and place that the missing person was last seen; and
 - the missing person's address.
- Information gathered by a preliminary investigation, if one was made;
- A statement by the law enforcement officer in charge stating the officer's assessment of the case based on the evidence and information received.

Additionally, the DSP must input into LEADS all information gathered by preliminary investigations and a statement by the law enforcement officer in charge of the case. The DSP shall:

- Develop and implement a policy whereby a statewide or regional alert would be used in situations based on a format established by the DSP. The format should include:
 - The age of the missing person, and

¹ There is no time specified in the Statutory Requirements as to how soon the information must be entered.

- The suspected circumstance of the disappearance.
- Notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the DSP is available.
- Compile and retain information regarding lost, abducted, missing, or runaway minors in a separate data file, in a manner that allows that information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. The information shall include the disposition of all reported lost, abducted, missing, or runaway minor cases.
- Compile and maintain any historic data relating to lost, abducted, missing, or runaway minors and other missing persons, including, but not limited to, missing endangered seniors, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.
- Create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS, and performance audits of all entering agencies.

The Illinois Law Enforcement Training Standards Board must conduct a training program for law enforcement personnel of local governmental agencies in the Missing Persons Identification Act. The DSP must perform the duties prescribed in the Missing Persons Identification Act, subject to appropriation.

Local Requirements

Chicago Police Department General Order

The CPDGO provides specific protocol the Chicago PD must follow when a person is reported missing. It outlines policies and procedures for the investigation of missing or found persons.

Policy:

- A prompt response to a missing person report is critical and no established time limit for a person of any age is required before that person can be reported missing. However, preliminary investigators will use discretion when taking reports of missing adults.
- Missing elderly are always considered at risk and special consideration and extraordinary measures must be taken when investigating these cases.
- A Missing/Found Person Case Report: CPD-11.407 (the "MFPR") will be completed for residents of Chicago and visitors to the city who are missing under unusual circumstances. Situations that constitute unusual circumstances are not identified. These reports must be made to the local police agency whose jurisdiction covers the missing person's permanent residence.

- Any missing person under the age of twenty-one is classified as a missing juvenile in accordance with the Intergovernmental Missing Child Recovery Act of 1984.

Definitions:

- A missing juvenile is a person younger than twenty-one years of age whose whereabouts are unknown by a person having the responsibility for his welfare.
- A missing adult is defined as any person twenty-one years of age or older whose: (1) whereabouts are unknown by close family members, friends, or associates; and (2) absence is unaccounted for and unusual circumstances exist surrounding the absence. The CPDGO does not define “unusual circumstances.”
- A found person is an individual of any age who is found but is not cognizant of his whereabouts and cannot make contact with a responsible person having concern for his/her welfare. This includes a person who is weakened or impaired due to a physical or mental condition.
- A located person is any person previously reported missing whose whereabouts are verified.
- A “high risk” missing person receives heightened attention. There are several classification of “high risk” which include:
 - Disabled Missing: A missing person who, due to a mental and/or physical disability or senility, is an immediate danger to himself or others if not located.
 - Endangered Missing: A person who is missing under circumstances indicating his/her physical safety may be in danger.
 - Elderly Missing: Any missing person sixty-five years of age or older.

General Information:

When the Office of Emergency Communication (the “OEC”) receives a request for police service regarding a missing person, the EOC will make an inquiry of whether the missing person is an adult. If the missing person is an adult and is also “high risk”, a district field unit is dispatched to conduct the preliminary investigation. If a “high risk” circumstance does not warrant the immediate dispatch of a district field unit, the complainant will be instructed to go to a district facility to complete a report. If a condition exists that makes it difficult for the complainant to go to the district facility (i.e. children, disability, etc.) an exception will be made. If the missing person is a juvenile, a district field unit will be dispatched to conduct the preliminary investigation.

The EOC ensures that the Youth Investigative Division, Missing Person Section (the “MPS”) is notified of any emergency plans that are implemented and determines whether the complainant is reporting a missing person that has already been located and returned.

Preliminary Investigating Officer Duties:

The preliminary investigating officer is the first to verify that an individual is missing. The officer performs the following duties:

- Conducts interviews of individuals present at the location from which the individual is reported missing;
- Advises the complainant that it would assist the preliminary investigation if a contact person is available at all times to notify the Chicago PD if the missing person returns;
- Advises the complainant that the MPS should be notified if the missing person is located;
- Completes a MFPR for each missing person and obtains a Records Division ("RD") number for each report;
- Documents all search activity in the MFPR to avoid unnecessary duplicative efforts by follow-up or assisting personnel;
- Notifies a field supervisor for incidents involving missing children under the age of ten, juveniles or "high risk" missing subjects, informing the supervisor of the unit assigned, of any unusual circumstances and the complainant's address;
- Immediately requests the dispatch of a "flash message" of a "high risk" missing subject's description;
- Has the complainant sign the case report in the space provided. If the complainant refuses to sign, the preliminary investigator will mark "Refused" in the complainant signature space;
- Make all notifications required by the CPDGO which includes notification to:
 - Operations Command for all missing person incidents that are potentially newsworthy or when unusual circumstances exist;
 - District Watch Commander of any affected district(s) when the missing person is "high risk";
 - Youth Investigations Division, MPS for ALL missing subjects; and
 - Citywide 3 Dispatcher for formal flash messages if the missing person is "high risk."

Supervising Sergeant Duties:

- Respond to all "high risk" missing person assignments;
- Coordinate a formal and systematic search for "high risk" missing person which includes:

- Designating a particular area for each unit;
- Requesting additional personnel as needed;
- Determining whether the premises where the subject was last seen or the subject's home have been thoroughly searched;
- Maintaining a chronological log of all investigative strategies and all units assigned.
- Ensure all required notifications are made, including notification to the district watch commander(s) of any affected district(s) concerning all "high risk" missing persons;
- Determine if support services may be utilized. If so, request the necessary services which include, but not limited to:
 - Air Support available through the Illinois State Police Helicopter Program
 - Chicago PD's Canine Unit available through Canine Teams
 - Gang Tactical and Tactical Units to assist in any systematic search for missing "high risk" persons.
- Determine if any unusual circumstances exist or if any additional resources are needed for locating missing juveniles.

District Watch Commander Duties:

- Ensure the Youth Investigations Division, MPS is contacted concerning the status of missing subjects, prior to continuing or expanding investigations into the missing person's whereabouts.
- Ensure the district watch commander for the oncoming watch is:
 - Notified of any "high risk", juvenile, or newsworthy missing persons who have not been located; and
 - Furnished with copies of all reports pertinent to the investigation.

Youth Investigations Division (the "Division") Duties:

The Division is responsible for the follow-up investigation of missing/found persons. When the Division is notified of a missing/found person, personnel will:

- Assign an investigator to conduct a complete and thorough follow-up investigation in accordance with Division requirements;
- Notify the MPS if a missing person is located or returns and have an investigator complete a Missing Persons Supplementary Report ("Supplementary Report");
- Submit periodic Supplementary Reports for cases in which a missing person has not returned.

Youth Investigations Division, MPS Duties:

The MPS personnel will notify the appropriate district watch commander(s) of the return of any “high risk” or newsworthy missing persons. The MPS has an entirely separate Special Victim’s Unit Manual of Procedure that it follows for internal policy which will be detailed below.

Located Persons:

A located person is any person previously reported missing whose whereabouts are verified. Any personnel that is notified of a person who was reported missing and is subsequently located must:

- Ensure that the MPS has been notified of the return.
- Complete a Supplemental Report to the original MFPR when documentation of additional information is needed.
 - A located person is NOT considered to be a found person. A MFPR will not be used as a supplementary report.
- The location of the person must be verified to complete the investigation;
- The personnel that discover the person’s location are responsible for notifying the complainant that the missing subject has been located.

Found Person:

A found person is an individual of any age who is found but is not cognizant of his whereabouts and cannot make contact with a responsible person having concern for his welfare. A found person will be documented on a MFPR and the “Found” box will be checked. When the EOC receives a call for service for a found person, a district unit will be assigned to conduct the preliminary investigation. When preliminary investigating officers are assigned to investigate a found person, they must:

- Provide for medical attention, if needed.
- Attempt to identify the subject. If identified, provide for the return of the subject to the responsible person having a concern for the found person;
- If a Department member provides transportation, a Miscellaneous Exception Report will be completed.
- Verify that the found person is not currently reported missing by contacting:
 - The district desk;
 - Youth Investigations Division, MPS; and/or
 - Citywide 3 Dispatcher.

- If the person cannot be identified:
 - Notify a supervisor of any found person when unusual circumstances exist;
 - Submit a MFPR documenting all the actions taken including any requests for flash messages and/or fax messages and notify Missing Persons Section Control Desk;
 - Ensure the person remains in the custody of district personnel until turned over to Youth Division personnel for follow-up investigation;
 - Make a formal notification to a Citywide 3 Dispatcher and request that a formal flash be broadcast; and
 - Submit a fax message to inform all units with a full description and location where the person was found.
- Members are reminded that an elderly or disabled person may have an identification bracelet distributed through Senior Citizens and Disabled Persons Emergency Identification Program or other social service program. If a found person is wearing this type of bracelet, the emergency phone number identified on the bracelet will be called and notification given.

Local Requirements

Purpose: To prepare and maintain files on all recorded missing, found, unknown persons and unidentified dead persons; to disseminate the information maintained in the files to the CPD units and citizens making inquiries; to review and maintain a file of MFPR and keep records of unidentified deceased persons; and to maintain all MFPR information in the CHRIS Context Search System (“CHRIS”) , a query program that may be used as an investigative tool.

Functions: The MPS will:

- Immediately provide the affected area Special Victim’s Unit (the “SVU”) with necessary information on all missing/found persons;
- Enter all missing persons into the Hot Desk computer;
- Enter missing persons into the LEADS/NCIC computer when warranted;
- Maintain monthly statistics on all missing/found persons cases; coordinate efforts with area personnel to compare unidentified persons with open missing/found person cases for possible matches; enter dental charts of unidentified persons;
- Maintain files on all missing/found person cases and generate monthly reports to each area relative to delinquent case reports;
- Maintain photos of unidentified deceased persons. Coordinate efforts with area personnel to compare unidentified persons with open missing persons for possible matches;

- Receive, process and approve all requests for submission of missing photographs to be published in the Daily Bulletin and other approved publications; and
- Obtain from the Records Division Field Inquiry Section all LEADS messages and other law enforcement agencies relative to missing persons and attempt to locate such subjects

Procedures: When a person under the age of twenty-one is reported missing in Chicago, an officer is assigned to complete a MFPR. The officer is then required to notify, by telephone, the control desk of the MPS. The control desk operates 24 hours a day, seven days a week. The MPS personnel then complete the Missing Person Control Card after being notified of a missing person by the officer.

The control desk personnel then call the appropriate area which initiates the follow-up investigation. Control desk personnel then enter information into the Hot Desk computer and retain the control card in the control card file. Entries into LEADS/NCIC are made in appropriate cases. When a detective notifies MPS that a missing person case is cleared, the record is then deleted from all the computers.

Original MFPR's will be sent from each area to the MPS. The MPS personnel then forward the original reports to RD. The RD number is recorded on all control cards for cross reference and the case and supplementary reports are filed sequentially by RD number.

The MPS processes all requests for photos of missing persons that are submitted for publication in the daily bulletin and will submit the request to the Commander of Youth Investigations Section for approval. In the event the missing person has returned before the photo has been published, the assigned detective will request the MPS cancel the request for publication.

LEADS Computer (NCIC): LEADS is an online computer system maintained by the Illinois Department of Law Enforcement. The system is linked to the FBI law enforcement computer system NCIC. Upon notification by an officer of a missing person under the age of twenty-one years, MPS personnel will enter the necessary information into the LEADS/NCIC computer system. Persons under twenty-one are entered as missing juveniles for LEADS/NCIC reporting. Any other person who meets the necessary criteria of endangered, involuntary or disabled will be entered into the LEADS/NCIC system when warranted. A certain time frame when information must be entered into the NCIC is not specified.

All entries into the LEADS/NCIC system will be deleted from the system by Missing Person personnel when they are notified by telephone that the case is cleared. MPS personnel are responsible for the verification and any necessary modification of all LEADS/NCIC entries. LEADS messages from other law enforcement agencies are received by the MPS. All information regarding each LEADS message is entered into the MPS LEADS log book and all messages filed according to LEADS number. Detectives receiving assignments via LEADS will forward the results of the investigation to the MPS.

Out of Town Requests: Out of town requests relating to missing persons and/or location of persons not reported missing will be processed, answered and filed by the MPS. Correspondence requesting the location of persons not necessarily categorized as missing are answered, filed, and maintained in a separate indexed correspondence file.

Missing Persons Investigations: A missing persons investigation, while not criminal, is an important duty of the SVU and can be sensitive in nature. The SVU will investigate all reports of missing persons, whether adult or juvenile, reported missing within the city of Chicago.

Responsibility of Personnel Assigned to the Missing Persons Section: MPS personnel receive notification from the police officer who initiates the original missing report. This information determines the initial status of the case, for instance, a "high risk". If necessary, a copy of the MFPR will be telefaxed by the officer to the MPS.

MPS personnel prepare a Missing Person Control Card and will call the area of assignment to relay the information on all immediate action cases. A copy of the control card is faxed to the area on all missing persons.

In "high risk" cases, MPS personnel fax a copy of the MFPR to the area of assignment and also place a copy of the MFPR into the Immediate Action Log in the MPS. A copy of the original MFPR and all supplementary reports will remain in the log until the case is closed. All "high risk" persons missing while visiting Chicago, newsworthy cases, and cases where there is a suspicion of foul play should be considered immediate action cases. Any case involving unusual circumstances may be upgraded by an area supervisor to a "high risk" case.

Upon assignment to a "high risk" case, the detective will:

- Make contact with the complainant in person as soon as possible within the detective's tour of duty;
- Submit a supplementary report detailing the results of the investigation before the end of the tour of duty; and
- Indicate on the supplementary report the frequency of the reporting basis, i.e., every watch, daily, etc.

Supervisory Responsibility in "High Risk" Cases:

- Ensure that all immediate action cases are assigned promptly;
- Monitor the progress of the investigation;
- Reassign the investigation if the detective is unable to handle the case;
- Ensure that the detective submits a report before the end of the tour of duty;
- Ensure that the report is complete and accurate;

- Provide the oncoming supervisor with a copy of the reports to ensure a continuing investigation and to avoid duplication of efforts; and
- Maintain a log in the area to track immediate action cases which are open.

Changing Reporting Status: Immediate action cases will continue on a watch to watch basis until it is determined that no further investigative benefit can be achieved. Upon approval of the Area Commanding Officer, cases may be placed on a daily or seven day reporting basis.

If a detective wishes to obtain approval to change the reporting status of a "high risk" case, he will submit a supplementary report to the supervisor stating the reason for the change. The detective will include, below the narrative section of the case report, the present reporting status of the case and the requested reporting status.

Supervisory Responsibility in Changing Reporting Status: In "high risk" cases, the supervisor will review the supplementary report and all previously submitted reports to ensure that the investigation has been thorough and that no further investigative benefit would be achieved by leaving the case in its present status.

The supervisor will either approve the change in the report status or reject the request and return the report to the investigator. The supervisor will be responsible for presenting the supplementary and all previous supplementaries to the Area Commanding Officer for approval. The case will remain in its present reporting status until the Area Commanding Officer has reviewed the case and approved the change.

Upon assignment of a missing Adult or Juvenile which is not a "high risk" case, the assigned detective will do the following:

- Make contact with the complainant either by telephone or in person within the tour of duty;
- If no unusual circumstances exist, the investigator will note on the reverse side of the Missing, Lost or Incapacitated Persons Control Form that there are no unusual circumstances and the date, time, and person contacted. The detective will sign his/her name and star and submit the form to a supervisor. A copy of the control form will be retained by the detective.

Reporting Cycle: Within seven days of initial assignment, the assigned detective will recontact the complainant and submit a supplementary report detailing the results of the investigation. In the case of missing persons over 16 years of age:

- A supplementary report will be submitted by the detective within 7 days and then every 30 days thereafter for six months.
- After 6 months, the case may be placed in the pending file with the approval of the Area Commanding Officer and a supplementary report required every 6 months.

A "suspended" classification is applied to those cases which require no further reports, but must be updated on a yearly basis. Cases to be considered for this classification would include adults missing longer than 6 months and when all investigative leads have been exhausted.

Supervisory Responsibility: The supervisor will review the Missing, Lost or Incapacitated Persons Control Form and approve it by signing his name and badge number. The supervisor also ensures that area desk personnel retain a copy of the control form and attaches it to the copy of the MFPR when received by the area. The supervisor ensures that reports are thorough and submitted in a timely manner.

Inability to Make Contact with Complainant: If the detective is unable to contact the complainant, the detective will indicate that information on the reverse side of the control form. The detective will note the times contact was attempted and will sign his name and badge number. The supervisor will also sign the white copy and submit the form to the oncoming supervisor.

The oncoming supervisor will assign the case to a detective on his watch for continuing investigation. If no contact is made within three consecutive watches, either the detective originally assigned to the case, or a detective assigned by the supervisor, will submit a supplementary report stating those attempts to contact the complainant were unsuccessful on three consecutive watches and will include the action taken to locate the missing despite the inability to interview the complainant.

These actions will include, but are not limited to, a canvass of those who reside in the missing person's neighborhood, record check, victim file check, medical examiner's office, etc.

- Supplementary reports will be submitted on a watch to watch basis until contact is made with the complainant and it is determined that no unusual circumstances exist.
- The supervisor will be responsible for reviewing the report and submitting a copy of the report to the oncoming watch commander who will assign a detective to continue the investigation.
- When the complainant is contacted and it is established that no unusual circumstances exist, the case will be returned to the originally assigned detective who will follow the guidelines for submission of reports for missing persons not assigned as "high risk" cases.
- If the detective learns of unusual circumstances, he will notify the supervisor who may upgrade the case to a "high risk" status. A supplementary report will be submitted before the end of the tour of duty.

Investigative Techniques: Each missing person case is a unique investigation and must be handled as such. There are many instances where it appears the person has met with foul play or an unnatural death. This particularly applies to juveniles who may also have been exploited

either sexually or as an accomplice in other criminal activity. In addition to those leads unique to each investigation, the following areas must be checked and reported: (1) Interview the complainant; (2) If missing is a Ward of the State, interview case worker, parents, and other relatives; (3) Check the residence for common hiding places; (4) Check missing person's personal belongings, i.e., telephone book, diary, clothing, sentimental items; (5) Verify the accuracy of the missing person's name, birth date, RD number; (6) Interview teachers and/or school officials; obtain listing of classmates with addresses and telephone numbers; (7) Interview friends and acquaintances obtaining addresses and telephone numbers; (8) Canvass neighborhood; interview neighbors; (9) Check juvenile and/or adult arrest record; Central Booking on adults; (10) Check for previous MFPR, if any, and review them (available from MPS); (11) Check Medical Examiner's office; (12) Obtain a photograph of the missing person; (13) Publish photograph in the Daily Bulletin or Special Bulletin; (14) On adults, request a check of Department of Mental Health facilities (request through MPS); (15) Check the victim file to determine if the subject was a victim during the time that he/she has been missing; (16) Check nursing homes, hospitals; (17) Interview employers and/or coworkers; (18) Check Cook County Probation and Parole Department; (19) Check Salvation Army, missions, halfway houses, shelters, previous agencies; (20) Check telephone books, cross index books, post office, mail carrier (21) Check Secretary of State for cars and license registration; (22) Check NCIC/LEADS, radio, television; (23) Check veterans' hospitals; (24) Check employment applications, references; (25) Check military records; (26) Check juvenile's criminal history; (27) Check for stops, warrants; (28) Check gang affiliations; (29) Check Consuls, Immigration and Naturalization; (30) Check Public Aid and other relief agencies; (31) Check retail credit and charge cards; (32) Check social security number; (33) Check gas, electric and telephone bills; (34) Check telephones, trapping lines; (35) Check fraternities, sororities; (36) Check polygraphs; (37) Check wage garnishments or stops on paychecks; (38) Check bank cards, automatic teller machine withdrawals; (39) Check checking accounts, savings accounts, personal loans; (40) Check Social Security Office; (41) Check Bureau of Vital Statistics.

Supplementary Reports: The detective will conduct a complete and thorough investigation. Each supplementary report will include any additional information obtained as a result of the investigation that was not previously reported on the original MFPR. The narrative portion of the report should be a chronological listing of events. It should begin with a summary of all interviews conducted along with all current information obtained.

Each interview should be a separate paragraph and should be a concise summary of all investigative efforts. The name, relationship to the missing person, sex, race, age, address, and telephone number of each person interviewed will be reported. A classification of "exceptionally cleared" cannot be used in clearing a Missing Persons report. There must be a reason listed for the clearing of a Missing Person report.

CHRIS Context Search: The CHRIS Context Search is a query program that may be used as an investigative tool to obtain information captured within MFPR in the CHRIS case report system. This search technique can be initiated by utilizing the "Missing/Found" search tab on the CHRIS case menu screen. This search technique allows the user to query information captured within the name, address, demographic, and narrative fields of MFPR. The query can be limited to a name, or combination of words. Words for the purpose of this query are defined

as person, place, numbers such as age, or a specific year, a telephone number, or any other combination of descriptive terms.

Found Persons: A detective will be assigned to conduct a follow-up investigation on all found person cases. The detective will attempt to identify the subject, locate the family or friends, and return the subject to a person who will be responsible for their welfare. The detective will ascertain that a message has been sent.

If the subject is identified and released to responsible persons, the investigator will submit a supplementary report closing the case and cancel all applicable messages. If all efforts to identify the subject have failed, the detective will contact the city agency responsible for care. This information will be included in the original message and a supplementary report will be submitted closing the case.

Medical Examiner's Forensic Detail: There are personnel detailed from the MPS to the Cook County Medical Examiner's detail. They are responsible for the investigation of unidentified persons, who have died of natural causes and have been brought to the morgue.

An integral part of such investigations is the photographing of these subjects. A file of these investigations is maintained in the Missing Persons Section along with photographs and other pertinent information. MPS personnel will send copies of these photographs to every Area Special Victim's Unit. Included with this information will be a description of the deceased as well as the date, time, location, etc., of discovery.

A book will be maintained in each Area Special Victim's Unit containing the information received from MPS on unidentified deceased persons. This book will be available to area personnel to assist them in missing persons investigations.

Comparison of Requirements for Chicago Police Department and Requirements for Cleveland Division of Police

A. State Law

Overall, the Ohio Revised Code (the "ORC") defines terms and delegates specific duties to the Ohio Attorney General and law enforcement agencies in Ohio. The Statutory Requirements of Illinois also delegate specific duties to law enforcement agencies. The Statutory Requirements of both states list LEADS requirements and NCIC requirements that are very similar. Differences between the state laws are detailed below.

The Statutory Requirements of Illinois require that all law enforcement agencies must accept without delay any report of a missing person. The Statutory Requirements further list specific reasons why a report may not be refused. Reports may be made in person, by phone, or by electronic other media consistent with law enforcement practices.

The ORC defines missing person while this definition is not provided in the Illinois' state law. Instead the CPDGO, local requirements, define missing juvenile person, missing adult person, found person, located person, "high risk" person, disabled missing, endangered missing,

and elderly missing. These terms are not specified in either the ORC or the Ohio local requirements.

The ORC goes into detail regarding the steps to take when foul play is suspected while the CPDGO and Manual (local requirements) provide this detail specifically for the Chicago PD.

B. Local Requirements

1. *Reporting Missing Persons*

The Chicago PD General Order (the "PDGO") designates the OEC to determine whether the missing person is an adult and will dispatch a field unit to conduct the preliminary investigation only if there is a "high risk" situation. If the missing person is an adult who is not "high risk", the complainant must go to the district facility to make the report unless a condition makes it difficult. The Chicago PD has a specialized unit, MPS, that investigates all missing persons. The control desk of the MPS operates 24 hours a day, seven days a week.

2. *Definitions*

Chicago PDGO and the Manual use special definitions for found and located persons. This is important because the Manual provides separate protocol when a person reported missing is located or found.

3. *Notification of Missing Person to Other Units*

The Coast Guard receives notification by the Cleveland PDGO if the missing person was last seen by a large body of water. Chicago PDGO allows officers to notify several additional units if the need is present. The canine unit and helicopter unit can be notified if needed.

4. *Missing Elderly Adults*

Cleveland PDGO has the Endangered Elderly Alert while Chicago PDGO just has a "high risk" status assigned for elderly. No specific protocol for elderly missing adults is provided in the local requirements. The Chicago PD must follow the same instructions for a "high risk" missing adult regardless of whether he is a senior or not.

5. *Alerting the Media or Broadcast Systems*

The Cleveland PDGO appoints the PIO and Deputy Chief of Field Operations to determine whether media should air information regarding the missing person. A Chicago investigating officer notifies District Watch and Citywide 3 Dispatcher for all missing persons that qualify "high risk."

6. *Duties of Law Enforcement Agencies*

Both the Cleveland PDGO and Chicago PDGO have detailed lists of who the investigating officer must contact, but the Chicago PDGO goes a step further by indicating the duties of the preliminary investigating officer, the Supervising Sergeant, the District Watch Commander, the Youth Investigation Division and the Missing Persons Section of the Youth Investigations Division.

7. *Coroner's Office Notification*

The Cleveland PDGO requires an alert for the coroner's office, but the Manual has an intricate plan for the MPS to work directly with the morgue to facilitate the identification of deceased individuals in an effort to possibly match them with missing persons. Photos of the deceased unidentified persons are kept on file and monthly statistics are also maintained. The dental charts of unidentified person are kept by the MPS as well.

8. *Changing Reporting Status*

The Manual has a detailed policy regarding the changing of reporting status of a "high risk" case to a non "high risk" case and vice versa. A supervisor must review the report and decides whether the report status change request should be rejected or approved. This is important because without this system, an officer could change the status of a report without the consent of a supervisor.

9. *Follow-Up Procedure*

The Manual has specific instructions for the assigned detective when initiating follow-up with the complainant and also gives a seven day timeframe in which certain duties must be accomplished. If a detective is unable to make contact with the complainant, the Manual provides instructions for the detective and supervisor to follow. If three consecutive days pass with no contact, the supervisor submits a report documenting the unsuccessful effort to interview the complainant. The Manual gives a detective a detailed list of actions to follow in order to investigate the circumstances surrounding the missing person's disappearance. The investigative techniques that the detective must utilize are listed in the Manual as well. The detective must check and report that each area has been investigated.

10. *CHRIS Context Search*

The Manual utilizes the CHRIS Context Search that is a program that allows information from the MFPR to be imputed into the program to help facilitate investigation.



City of Cleveland Memorandum
Frank G. Jackson, Mayor

DIVISION OF POLICE

TO: Joellen C. O'Neill, Commander, Bureau of Human Resources

FROM: Anthony J. Gorsek, Acting O.I.C., Policy Section *ajg/939*

SUBJECT: Missing Person/Sexual Assault Policy Survey

DATE: January 22, 2010

The following are updates to a prior memorandum dated January 15, 2010.

UPDATES (in italics):

Chicago ILLINOIS (pop. 2,836,658): Missing/Found Persons general order document, Special Victims Unit Missing Persons Section manual of procedure, and Special Victims Unit Missing Persons Investigations manual of procedure.

Missing Person reports 2008 – 17,969

Missing Person reports 2009 – 16,216

G.O. 98-05**Chicago Police Department****TITLE: MISSING/FOUND PERSONS****ISSUE DATE: 14 July 1998****EFFECTIVE DATE: 15 July 1998****DISTRIBUTION: B****RESCINDS: GENERAL ORDER 79-06****I. PURPOSE**

This order outlines Department policies and procedures for the investigation of missing or found persons.

II. POLICY

- A. A prompt response to a missing person report is critical in locating the missing subject and identification of key evidence and/or witnesses. There is no established time limit for a person of any age to be missing before that subject can be reported missing; however, preliminary investigators will use discretion in taking reports of missing adults (see definition of "Missing Adult" in Item III of this directive for guidance).
- B. Missing tender-age children and the elderly are always considered at risk. Special considerations and extraordinary measures must be taken in investigating such cases.
- C. *A Missing/Found Person Case Report (CPD-11.407) will be completed for residents of the City of Chicago and visitors to the City who are missing under unusual circumstances. Complainants who are visitors to the City will be instructed to also report such cases to the local police agency whose jurisdiction covers the missing person's permanent residence.*
- D. *The Intergovernmental Missing Child Recovery Act of 1984 (325 ILCS 40/1) has been modified, requiring that state agencies report a missing person younger than 21 years of age as a missing juvenile (see definition of "Missing Adult" below).*

(Item II revised, 25 April 2006, General Order 98-05A.)

G.O. 98-05 MISSING/FOUND PERSONS
ISSUE DATE: 14 July 1998

III. DEFINITIONS

For the purposes of this order, the following definitions will apply:

A. **Missing Juvenile:** *A person younger than twenty-one years of age whose whereabouts are unknown by a person having the responsibility for his or her welfare.*

B. **Missing Adult:** *Any person twenty-one years of age or older whose:*

1. *whereabouts are unknown by close family members, friends, or associates; and,*
2. *absence is unaccounted for and unusual circumstances exist surrounding the absence.*

NOTE: *The Intergovernmental Missing Child Recovery Act of 1984 requires that a report be taken for missing persons under 21 years of age. Department members will complete a Missing/Found Person case report for all missing persons under 21 years of age.*

C. **Found Person:** *An individual of any age who is found and not cognizant of his or her whereabouts and cannot make contact with a responsible person having a concern for his or her welfare. This includes persons who, due to a weakened or impaired physical or mental condition, are unable to contact a responsible person having a concern for their well being.*

D. **Located Person:** *Any person previously reported missing whose whereabouts are verified.*

E. **Drowning Victim:** *A person reported as having drowned regardless of whether a body is recovered.*

F. The following are considered "**High Risk**" missing persons:

1. **Missing Tender-Age Child:** *Any child under the age of ten whose whereabouts are unknown by a person having the responsibility for his or her welfare.*
2. **Disabled Missing:** *A missing person who, due to a mental and/or physical disability or senility, is an immediate danger to himself or herself or others if not located.*

3. **Endangered Missing:** A person who is missing under circumstances indicating his or her physical safety may be in danger.
4. **Catastrophe Victim:** A person who cannot be located and is presumed to be injured, killed, or displaced as a result of a catastrophe.
5. **Elderly Missing:** Any missing person sixty-five years of age or older.
(Item III revised, 25 April 2006, General Order 98-05A.)

IV. GENERAL INFORMATION - MISSING PERSONS

A. When the Office of Emergency Communications (OEC) receives a request for police service regarding a missing person, the OEC personnel will:

1. inquire whether the missing person is an adult. If the missing person is adult and is a "high risk" subject, a district field unit will be dispatched to conduct the preliminary investigation.
2. If there are no circumstances which would warrant the immediate dispatch of a district field unit, the caller/complainant will be instructed to proceed to a district facility to complete a report. Exceptions will be made if conditions exist which make it difficult for the complainant to do so (e.g. children, disability, etc.).

NOTE: If the OEC determines that the missing person is a juvenile, a district field unit will be dispatched to conduct the preliminary investigation.

3. ensure that the Youth Investigations Division, Missing Persons Section is notified of any Immediate Emergency Plans that are implemented.
4. determine if the caller/complainant is reporting that a missing person has been located/returned. If so, the complainant will be informed to call the Missing Persons Section of the Youth Investigations Division.

NOTE: If the located/returned person was the victim or perpetrator of a crime, or a tender age child, then a district field unit will be dispatched to conduct the preliminary investigation.

B. The preliminary investigating officer will:

1. verify that the individual is missing. If possible, the member will conduct interviews of individuals present at the location from which the individual is reported missing.

NOTE: If the location where the missing was last seen is outside of the reporting district, the preliminary investigator will contact a supervisor before taking any action beyond the district boundaries.

2. advise the complainant that it would assist the preliminary investigation if a contact person were available at all times, including having someone remain in the missing person's residence to notify the Department in the event the missing returns. The complainant will also be advised that the Youth Investigations Division, Missing Persons Section should be notified immediately if the missing person is located.
3. complete a Missing/Found Person Case Report for each missing person and obtain a Records Division (RD) number for each report.
 - a. When the subject of a missing person complaint returns or is located **before** the preliminary investigator has obtained an RD number, the member will prepare a Miscellaneous Incident Exception Report (CPD-11.419), summarizing the circumstances. The preliminary investigator, however, should not delay in completing a Missing/Found Person Case Report once the missing person complaint has been found to be bona fide.
 - b. When the subject of a missing person complaint returns or is located during the preparation of the Missing/Found Person Case Report and an RD number has been obtained, the reporting officer will explain the circumstances in the narrative portion of the case report. Additionally, the reporting officer will contact the Youth Investigations Division, Missing Persons Section to make all necessary notifications.
4. document all search activity in the Missing/Found Person Case Report to avoid unnecessary duplicative efforts by follow-up or assisting personnel.
5. notify a field supervisor for incidents involving missing tender age children, juveniles or "high risk" missing subjects, informing the supervisor of the unit assigned, of any unusual circumstances and the complainant's address.

6. immediately request the dispatch of a "flash message" of a "high risk" missing subject's description.
7. have the complainant sign the case report in the space provided. In the event the complainant refuses to sign, the preliminary investigator will mark "Refused" in the complainant signature space.
8. make all notifications required by this directive.
 - a. A notification will be made to Operations Command for all missing person incidents that are potentially newsworthy or when unusual circumstances exist, in accordance with the Department directive entitled, "Operations Command and Assistant Deputy Superintendents for Operational Services."
 - b. Immediate notification will be made to the district watch commander(s) of all affected district(s) concerning all "high risk" subjects.
 - c. An immediate notification will be made to the Youth Investigations Division, Missing Persons Section for all missing subjects.
 - d. Formal flash messages via the Citywide 3 dispatcher are required for all "high risk" missing persons.

C. The supervising sergeant will:

1. respond to all "high risk" missing person assignments.
2. if necessary, coordinate a formal and systematic search for "high risk" missing subjects including:
 - a. designating a particular search area for each unit;
 - b. requesting additional personnel as needed;
 - c. determining whether the premises where the subject was last seen and, if applicable, the subject's home have been thoroughly searched;
 - d. maintaining a chronological log of all investigative strategies and all units assigned.

3. ensure all required notifications are made, including a notification to the district watch commander for all "high risk" missing persons.
4. ensure that all required notifications are made including notifications to the district watch commander(s) of all affected district(s) concerning all "high risk" subjects.
5. determine if support services may be utilized. If appropriate, request the necessary services including, but not limited to:
 - a. air support which is available through the Illinois State Police and the Chicago Fire Department. Members should consult the Department directive entitled "Illinois State Police Helicopter Program" and the Department directive entitled "Helicopter Support For Police Operations" for guidance.
 - b. the Department's Canine Unit which is available for searches. The Department directive entitled "Canine Teams" should be consulted.
 - c. additional district personnel such as gang tactical and tactical units. When available, tactical personnel will be used to assist in any systematic search for missing "high risk" subjects.
6. determine if any unusual circumstances exist or any additional resources are needed for locating missing juveniles. The supervising sergeant will direct the preliminary investigator accordingly.

D. The district watch commander will:

1. ensure that the Youth Investigations Division, Missing Persons Section is contacted concerning the status of missing subjects, prior to continuing or expanding investigations into the missing person's whereabouts.
2. ensure the district watch commander for the on-coming watch is:
 - a. notified of any "high risk," juvenile, or newsworthy missing persons who have not been located, and
 - b. furnished with copies of all reports pertinent to the investigation.

- E. The Youth Investigations Division is responsible for the follow-up investigation of missing/found persons. When notified of a missing/found person, Youth Investigations Division area personnel will:
1. assign an investigator to conduct a complete and thorough follow-up investigation in accordance with Youth Investigations Division directives.
 2. notify the Missing Persons Section if a missing subject is located or returns. The investigator will complete and submit a Missing Persons Supplementary Report.
 3. submit periodic Missing Persons Supplementary Reports for cases in which a missing person has not returned.
- F. Youth Investigations Division, Missing Persons Section personnel will notify the appropriate district watch commander(s) of the return of any "high risk" or newsworthy missing persons.

V. LOCATED PERSONS

- A. Members who are notified of a person who has been reported missing and is subsequently located will:
1. ensure that the Youth Investigations Division, Missing Persons Section has been notified of the return, and
 2. complete a Supplementary Report (CPD 11.411-A&B) to the original Missing/Found Person Case Report only in instances where documentation of additional information regarding the circumstances of the return is needed.

NOTE: A located person is **not** considered to be a found person. A Missing/Found Person Case Report will not be used as a supplementary report.

- B. The location of the person must be verified to complete the investigation.
- C. The member who discovers the person's location is responsible for notifying the complainant that the missing subject has been located.

VI. FOUND PERSONS

- A. Persons who fit the definition of a "found person," as defined in this directive,

will be documented on a Missing/Found Person Case Report and the "FOUND" box will be checked.

- B. When the OEC receives a call for service for a found person, a district unit will be assigned to conduct the preliminary investigation.
- C. When preliminary investigating officers are assigned to investigate a found person, they will:
 - 1. provide for medical attention, if needed.
 - 2. attempt to ascertain the identity of the subject. If identified, provide for the return of the subject to the responsible person having a concern for the found person. If a Department member provides transportation, a Miscellaneous Incident Exception Report will be completed; otherwise, the member will return to service by informing the OEC dispatcher of the appropriate Miscellaneous Incident number-letter code.
 - 3. verify that the found person is not currently reported missing by contacting:
 - a. the district desk,
 - b. Youth Investigations Division, Missing Persons Section, and/or
 - c. Citywide 3 dispatcher.
 - 4. if the subject cannot be identified:
 - a. notify a supervisor of any found person when unusual circumstances exist,
 - b. submit a Missing/Found Person Case Report documenting all actions taken including any requests for all-call messages, flash messages and/or facsimile messages and notify Missing Persons Section Control Desk,
 - c. ensure the subject remains in the custody of district personnel until turned over to Youth Investigations Division personnel for follow-up investigation.
 - d. make a formal notification to a Citywide 3 dispatcher and request that a formal flash message be broadcast,

- e. submit a facsimile message to the Alternate Response Section for forwarding to the Administrative Message Facsimile Network Center for distribution to all units. A full description and location where the subject was found will be provided on the facsimile message.
- D. Members are reminded that an elderly or disabled found person may have an identification bracelet distributed through the Senior Citizens and Disabled Persons Emergency Identification Program or other social service program. In the event the found person is wearing such a bracelet, the emergency phone number identified on the bracelet will be called and a notification made.

Terry G. Hillard
Superintendent of Police

97-072 GHY

G.O. 98-05A

Chicago Police Department

TITLE: MISSING/FOUND PERSONS

ISSUE DATE: 25 April 2006

EFFECTIVE DATE: 26 April 2006

DISTRIBUTION: B

RESCINDS:

I. PURPOSE

This revision modifies Department policy to conform with recent changes the Intergovernmental Missing Child Recovery Act of 1984 (325 ILCS 40/1).

II. REVISIONS

- A. Item II has been revised to read:

II. POLICY

- A. A prompt response to a missing person report is critical in

G.O. 98-05A MISSING/FOUND PERSONS
ISSUE DATE: 25 April 2006

locating the missing subject and identification of key evidence and/or witnesses. There is no established time limit for a person of any age to be missing before that subject can be reported missing; however, preliminary investigators will use discretion in taking reports of missing adults (see definition of "Missing Adult" in Item III of this directive for guidance).

- B. Missing tender-age children and the elderly are always considered at risk. Special considerations and extraordinary measures must be taken in investigating such cases.
- C. *A Missing/Found Person Case Report (CPD-11.407) will be completed for residents of the City of Chicago and visitors to the City who are missing under unusual circumstances. Complainants who are visitors to the City will be instructed to also report such cases to the local police agency whose jurisdiction covers the missing person's permanent residence.*
- D. *The Intergovernmental Missing Child Recovery Act of 1984 (325 ILCS 40/1) has been modified, requiring that state agencies report a missing person younger than 21 years of age as a missing juvenile (see definition of "Missing Adult" below).*

- B. Item III has been revised to read:

III. DEFINITIONS

For the purposes of this order, the following definitions will apply:

- A. **Missing Juvenile:** *A person younger than twenty-one years of age whose whereabouts are unknown by a person having the responsibility for his or her welfare.*
- B. **Missing Adult:** *Any person twenty-one years of age or older whose:*
 - 1. *whereabouts are unknown by close family members, friends, or associates; and,*
 - 2. *absence is unaccounted for and unusual circumstances exist surrounding the absence.*

NOTE: *The Intergovernmental Missing Child Recovery Act of 1984 requires that a report be taken for*

missing persons under 21 years of age. Department members will complete a Missing/Found Person case report for all missing persons under 21 years of age.

- C. **Found Person:** An individual of any age who is found and not cognizant of his or her whereabouts and cannot make contact with a responsible person having a concern for his or her welfare. This includes persons who, due to a weakened or impaired physical or mental condition, are unable to contact a responsible person having a concern for their well being.
- D. **Located Person:** Any person previously reported missing whose whereabouts are verified.
- E. **Drowning Victim:** A person reported as having drowned regardless of whether a body is recovered.
- F. The following are considered "High Risk" missing persons:
 - 1. **Missing Tender-Age Child:** Any child under the age of ten whose whereabouts are unknown by a person having the responsibility for his or her welfare.
 - 2. **Disabled Missing:** A missing person who, due to a mental and/or physical disability or senility, is an immediate danger to himself or herself or others if not located.
 - 3. **Endangered Missing:** A person who is missing under circumstances indicating his or her physical safety may be in danger.
 - 4. **Catastrophe Victim:** A person who cannot be located and is presumed to be injured, killed, or displaced as a result of a catastrophe.
 - 5. **Elderly Missing:** Any missing person sixty-five years of age or older.

Philip J. Cline
Superintendent of Police

New or revised material is indicated by *italics*

05-056 RMS(PMD)

SECTION I - YOUTH INVESTIGATION SECTION ORGANIZATION

PART III - MISSING PERSONS SECTION

RE: Department General Order 98-5, "Missing/Found Persons"
Department Special Order 99-09, Add. 3, "Automated Case Reporting"

I. Organization

The Missing Persons Section, is located at Youth Investigations Section Headquarters,
3510 S. Michigan, 4th Floor,

II. Purpose

- A. To prepare and maintain files on all recorded missing, found, unknown persons and unidentified dead persons;
- B. To disseminate the information maintained in the files to Department units and citizens making inquiries;
- C. To review and maintain a file of Missing/Found Persons Reports and keep records of unidentified deceased persons;
- D. To maintain all Missing/Found Persons Report information in the CHRIS system.

III. Functions

- A. The Missing Persons Section will:
 - 1. Immediately provide the affected area Special Victim's unit with the necessary information on all missing/found persons;
 - 2. Enter all missing persons into the Hot Desk computer;
 - 3. Enter missing persons into the LEADS/NCIC computer when warranted;

4. Maintain monthly statistics on all missing/found persons cases; coordinate efforts with area personnel to compare unidentified persons with open missing/found person cases for possible matches; enters dental charts of unidentified deceased persons;
5. Maintain files on all missing/found person cases and generate monthly reports to each area relative to delinquent case reports;
6. Maintain photographs of unidentified deceased persons. Coordinate efforts with area personnel to compare unidentified persons with open missing person cases for possible matches;
7. Receive, process and approve all requests for submission of missing person photographs to be published in the Daily Bulletin and other approved publications;
8. Obtain from the Records Division Field Inquiry Section all LEADS messages from other law enforcement agencies relative to missing persons and attempt to locate such subjects.

IV. Procedures

When a person under the age of 21 years is reported missing in the City of Chicago, a beat officer is assigned to complete a Missing/Found Persons Case Report. The officer is then required to notify by telephone, the control desk of the Missing Persons Section located at 3510 S. Michigan, 4th Floor. The control desk is operational 24 hours a day, seven days a week. (312-745-6052, Pax 0-277).

A. The Missing Persons Section personnel will complete the Missing Persons Control Card (CPD24.512) upon the notification of a missing person by the beat officer. The control desk personnel will call the appropriate area which initiates the follow-up investigation. Control desk personnel will enter the information into the hot desk computer and retain the control card in the control card file. Entries into the LEADS/NCIC are made in appropriate cases. When a detective notifies Missing Persons that a missing person case is cleared, the record is then deleted from all the computers.

1. Original Missing/Found Persons Case Reports will be sent from each area to the Missing Persons Section.
2. Missing Persons Section personnel will forward the original reports to the Records Processing Section, Records Division.

B. The R.D. number is recorded on all control cards for cross reference and the case

and supplementary reports are filed sequentially by R.D. number.

- C. The Missing Persons Section will process all requests for photographs of missing persons that are submitted for publication in the Daily bulletin and will submit the request to the Commander of Youth Investigations Section for approval. In the event the missing person has returned before the photograph has been published, the assigned detective will request the Missing Persons Section to cancel the request for publication.

D. LEADS Computer (NCIC)

1. LEADS - Law Enforcement Agencies Data System
NCIC - National Crime Information Center

LEADS is an on line computer system maintained by the Illinois Department of Law Enforcement. The system is linked (interfaced) to the FBI law enforcement computer system - NCIC.

2. Upon notification by a beat officer of a missing person under the age of 21 years, Missing Persons Section personnel will enter the necessary information into the LEADS/NCIC computer system.
 - a) Persons under 21 years of age will be entered as missing juveniles per LEADS/NCIC reporting;
 - b) Any other missing person who meets the necessary criteria of endangered, involuntary or disabled will be entered into the LEADS/NCIC system when warranted.
3. All children who are victims of parental abduction will be entered into the LEADS/NCIC system upon the request of the assigned detective. The assigned detective will provide the necessary criteria for entry.
 - a) Victim's information (name, sex, race, date of birth, physical description and date of abduction);
 - b) Warrant number;
 - c) Docket number;
 - d) Judge's name;
 - e) Requests will be made by telephone and followed by written verification on the next supplementary report.

4. All entries into the LEADS/NCIC computer system will be deleted from the system by Missing Persons personnel when they are notified by telephone by a detective that the case is cleared.
5. Missing Persons Section personnel are responsible for the verification and any necessary modification of all LEADS/NCIC entries.
 - a) LEADS messages from other law enforcement agencies are received by the Missing Persons Section from the Field Inquiry Section;
 - b) All information regarding each LEADS message is entered into the Missing Persons Section LEADS log book and all messages filed according to LEADS number;
 - c) Detectives receiving assignments via LEADS will forward the results of the investigation to the Missing Persons Section via a Miscellaneous Incident Exception Report (CPD 11.419). The LEADS message number will be noted on the report.

F. Out of Town Requests

1. Out of town requests relative to missing persons and/or location of persons not reported missing will be processed, answered and filed.
2. Correspondence requesting the location of persons not necessarily categorized as missing are answered, filed, and maintained in a separate indexed correspondence file.

SECTION II - INVESTIGATIVE RESPONSIBILITY

PART VI - MISSING PERSONS INVESTIGATIONS

Re: Department General Order 98-05, Missing/Found Persons
Department General Order 98-05A, Missing/Found Persons

A missing persons investigation, while not criminal, is an important duty of the Special Victim's Unit and can be sensitive in nature. The Special Victim's Unit will investigate all reports of missing persons, whether adult or juvenile, reported missing within the City of Chicago.

Definitions:

Adult - any person 21 years of age or older whose absence is unaccounted for by close family members, friends, or associates and unusual circumstances exist surrounding the absence

Juvenile - any person 10 through 20 years of age whose absence is unaccounted for by a person having the responsibility for his/her welfare

Tender Age - any juvenile less than 10 years of age whose absence is unaccounted for by a person having the responsibility for his/her welfare

Found person - a person of any age who is found and not cognizant of his/her surroundings and cannot make contact with a responsible person having a concern for his/her welfare

Located person - any person previously reported missing whose location has been verified. Note: This is not the same category as a Found Person.

Disabled missing - any missing person who is in immediate danger to him/herself if not located due to a mental or physical disability or senility

Endangered missing - any person who is missing under circumstances indicating his/her physical safety may be in danger

Catastrophe victim - any person who cannot be located and is presumed to be injured, killed or displaced as a result of a catastrophe

Elderly missing - any missing person 65 years of age or older

High risk - tender age missing, disabled missing, endangered missing, catastrophe victim, and elderly missing.

I. Responsibility of Personnel Assigned to the Missing Persons Section

- A. Missing Persons Section personnel receive notification from the police officer who initiates the original missing report. This information determines the initial status of the case, for instance, a high risk. If circumstances dictate, a copy of the Missing Persons case report will be telefaxed by the beat officer to the Missing Persons Section.
- B. Missing Persons Section personnel will prepare a Missing Person Control Card (CPD 24.512) and will telephone the area of assignment to relay the information on all immediate action cases. A copy of the control card will then be faxed to the area on all missing persons.
- C. In high risk cases, Missing Persons personnel will fax a copy of the case report to the area of assignment and also place a copy of the case report into the Immediate Action Log in the Missing Persons Section. A copy of the original Missing Person report and all supplementary reports will remain in the log until the case is closed.

II. High Risk Cases

- A. All high risk missings, persons missing while visiting Chicago, newsworthy cases, and cases where there is a suspicion of foul play should be considered immediate action cases. This is a guideline only.
 - 1. Any case involving unusual circumstances may be upgraded by an area supervisor to a high risk case.
- B. Upon assignment to a high risk case, the detective will:
 - 1. Make contact with the complainant in person as soon as possible within the detective's tour of duty
 - 2. Submit a supplementary report detailing the results of the investigation before the end of the tour of duty
 - 3. Indicate on the supplementary report the frequency of the reporting basis, i.e., every watch, daily, etc.
- C. Supervisory Responsibility in High Risk Cases
 - 1. Ensure that all immediate action cases are assigned promptly

2. Monitor the progress of the investigation
3. Reassign the investigation if the detective is unable to handle
4. Ensure that the detective submits a report before the end of the tour of duty
5. Ensure that the report is complete and accurate
6. Provide the oncoming supervisor with a copy of the reports to ensure a continuing investigation and to avoid duplication of efforts
7. Maintain a log in the area to track immediate action cases which are open

D. Changing Reporting Status

1. Immediate action cases will continue on a watch to watch basis until it is determined that no further investigative benefit can be achieved. Upon approval of the Area Commanding Officer, cases may be placed on a daily or 7-day reporting basis.
2. Tender age missings will remain on a watch to watch basis unless the child is with a responsible adult.
3. If a detective wishes to obtain approval to change the reporting status of a high risk case, he/she will submit a supplementary report to the supervisor stating the reason for the change. The detective will include below the narrative section of the case report, the present reporting status of the case and the requested reporting status.

E. Supervisory Responsibility in Changing Reporting Status

1. In high risk cases, the supervisor will review the supplementary report and all previously submitted reports to ensure that the investigation has been thorough and that no further investigative benefit would be achieved by leaving the case in its present status.
2. The supervisor will either approve the change in the report status or reject the request and return the report to the investigator. The supervisor will be responsible for presenting the supplementary and all previous supplementaries to the Area Commanding Officer

for approval. The case will remain in its present reporting status until the Area Commanding Officer has reviewed the case and approved the change.

III. Missing Person Investigations

A. Upon assignment of a missing Adult or Juvenile, which is not a high risk case, the assigned detective will do the following:

1. Make contact with the complainant either by telephone or in person within the tour of duty
2. If no unusual circumstances exist, the investigator will note on the reverse side of the white copy of the Missing, Lost or Incapacitated Persons Control Form (CPD 24.510) that there are no unusual circumstances and the date, time, and person contacted. The detective will sign his/her name and star and submit the form to a supervisor. The pink copy of the control form will be retained by the detective until he/she receives a copy of the Missing Persons case report.

B. Reporting Cycle

1. Within 7 days of initial assignment, the assigned detective will recontact the complainant and submit a supplementary report detailing the results of the investigation.
2. Missing persons over 16 years of age
 - a) A supplementary report will be submitted by the detective within 7 days and then every 30 days thereafter for six months.
 - b) After 6 months, the case may be placed in the pending file with the approval of the Area Commanding Officer and a supplementary report required every 6 months.
3. Missing Juveniles 10 through 16 years of age
 - a) A supplementary report will be submitted by the detective every 7 days thereafter until 28 days have elapsed. (4 supplementaries)

- b) After 28 days have elapsed, the case may be placed on a 30 day reporting cycle with the approval of a supervisor. Supplementary reports will be submitted every 30 days until 6 months have elapsed.
 - c) After 6 months have elapsed the Area Commanding Officer may approve a change in the reporting basis. After all supplementary reports have been submitted and reviewed, the Area Commanding Officer may approve the change. The case will then be placed in a pending file requiring updating every six months thereafter.
4. The "suspended" classification applies to those cases which require no further reports, but must be updated on a yearly basis. Cases to be considered for this classification would include:
- a) Adults missing longer than 6 months and all investigative leads have been exhausted;

C. Supervisory Responsibility

- 1. The supervisor will review the white copy of the Missing, Lost or Incapacitated Persons Control Form and approve it by signing his/her name and star.
- 2. The supervisor will ensure that area desk personnel retain the white copy of the control form and attach it to the copy of the Missing Persons report when received by the area.
- 3. The supervisor will ensure that reports are thorough and submitted in a timely manner.

IV. Inability to Make Contact with Complainant

- A. If the detective is unable to contact the complainant, the detective will indicate that information on the reverse side of the white copy of the control form. The detective will note the times contact was attempted and will sign his/her name and star. The supervisor will also sign the white copy and submit the form to the oncoming supervisor.
- B. The oncoming supervisor will assign the case to a detective on his/her watch for continuing investigation.
- C. If no contact is made within three consecutive watches, either the detective

originally assigned to the case, or a detective assigned by the supervisor will submit a supplementary report stating those attempts to contact the complainant were unsuccessful on three consecutive watches and will include the action taken to locate the missing despite the inability to interview the complainant. These actions will include, but are not limited to, a canvass of the missing's neighbors, record check, victim file check, medical examiner's office, etc.

- D. Supplementary reports will be submitted on a watch to watch basis until contact is made with the complainant and it is determined that no unusual circumstances exist.
- E. The supervisor will be responsible for reviewing the report and submitting a copy of the report to the oncoming watch commander who will assign a detective to continue the investigation.
- F. When the complainant is contacted and it is established that no unusual circumstances exist, the case will be returned to the originally assigned detective who will follow the guidelines for submission of reports for missing persons not assigned as high risk cases.
- G. If the detective learns of unusual circumstances, he/she will notify the supervisor who may upgrade the case to a high risk status. A supplementary report will be submitted before the end of the tour of duty.

V. Investigative Techniques

- A. Each missing person case is a unique investigation and must be handled as such. There are many instances where it appears the person has met with foul play or an unnatural death. This particularly applies to juveniles who may also have been exploited either sexually or as an accomplice in other criminal activity. In addition to those leads unique to each investigation, the following areas must be checked and reported:
 - 1. Interview the complainant
 - 2. Use interpreters for language barriers
 - 3. If missing is a Ward of the State, interview case worker, parents, and other relatives
 - 4. Check the residence for common hiding places

5. Check missing's personal belongings, i.e., telephone book, diary, clothing, sentimental items
6. Verify the accuracy of the missing's name, birth date, R.D. number
7. Interview teachers and/or school officials; obtain listing of classmates with addresses and telephone numbers
8. Interview friends and acquaintances obtaining addresses and telephone numbers
9. Canvass neighborhood; interview neighbors
10. Check juvenile and/or adult arrest record; Central Booking on adults
11. Check for previous Missing Persons reports, if any, and review them (available from Missing Persons Section)
12. Check Medical Examiner's office
13. Obtain a photograph of the missing
14. Publish photograph in the Daily Bulletin or Special Bulletin
15. On adults, request a check of Department of Mental Health facilities (request through Missing Persons Section)
16. Check the victim file to determine if the subject was a victim during the time that he/she has been missing
17. Check nursing homes, hospitals
18. Interview employers and/or co-workers
19. Check Cook County Probation and Parole Department
20. Salvation Army, missions, halfway houses, shelters, previous agencies
21. Telephone books, cross index books, post office, mail carrier
22. Secretary of State for cars and license registration

23. NCIC/LEADS, point to point, radio, television
24. Veterans' hospitals
25. Employment applications, references
26. Military records
27. Juvenile's criminal history
28. Check for stops, warrants
29. Gang affiliations
30. Consuls, Immigration and Naturalization
31. Public Aid and other relief agencies
32. Retail credit and charge cards
33. Social Security number
34. Gas, electric and telephone bills
35. Telephones, trapping lines
36. Fraternities, sororities
37. Polygraphs
38. Wage garnishments or stops on paychecks
39. Bank cards, automatic teller machine withdrawals
40. Checking accounts, savings accounts, personal loans
41. Social Security Office
42. Bureau of Vital Statistics

VI. Supplementary Reports

- A) The detective will conduct a complete and thorough investigation. Each supplementary report will include any additional information obtained as a result of the investigation that was not previously reported on the original Missing Persons Case Report. The narrative portion of the report should be a chronological listing of events. It should begin with a summary of all interviews conducted along with all current information obtained. Each interview should be a separate paragraph and should be a concise summary of all investigative efforts. The name, relationship to the missing, sex, race, age, address, and telephone number of each person interviewed will be reported.
- B) A classification of "exceptionally cleared" cannot be used in clearing a Missing Persons report.

VII. CHRIS Context Search

The CHRIS Context Search is a query program that may be used as an investigative tool to obtain information captured within Missing/Found Person case reports in the CHRIS case report system. This search technique can be initiated by utilizing the "Missing/Found" search tab on the CHRIS case menu screen. This search technique allows the user to query information captured within the name, address, demographic, and narrative fields of Missing/Found Person case reports. The query can be limited to a name, or combination of words. Words for the purpose of this query are defined as person, place, numbers such as age, or a specific year, a telephone number, or any other combination of descriptive terms.

For example, the file may be searched looking for an individual named "John Jones" who is male, white, Hispanic; or a "Peter Smith" who has a scar on his left cheek. This search technique will search documents where all qualifiers appear together pertaining to John Jones and Peter Smith. The system will identify the number of Missing/Found Person documents that contain information prompted by the query and will identify the documents by displaying the R.D. number of the case(s) where similar information is contained. Partial searches with clothing may also be done. However, the more specific the query, the more definitive the results.

VIII. Found Persons

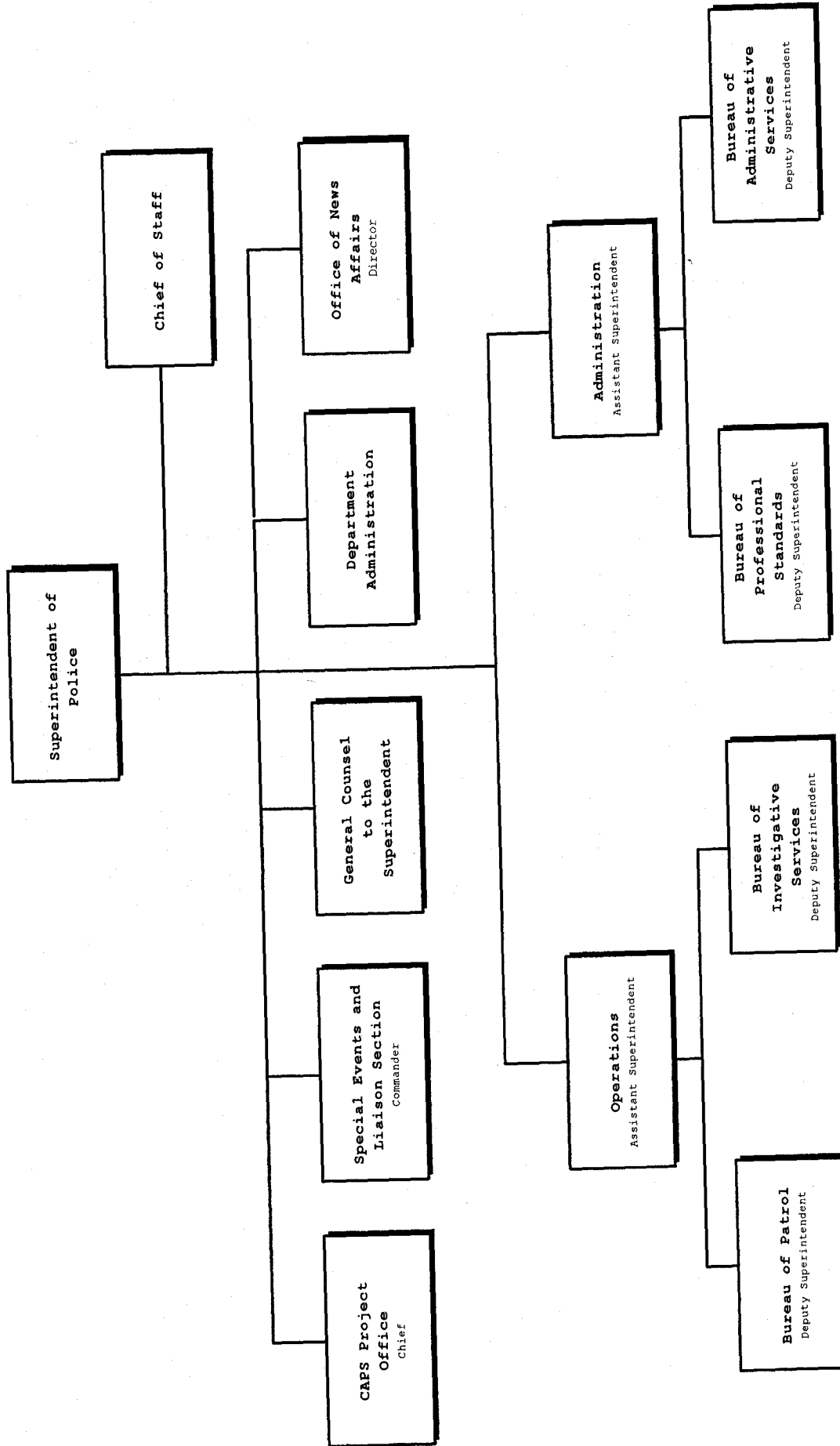
- A. A Found Person is an individual of any age who is found and not cognizant of his/her whereabouts and cannot make contact with a responsible person having a concern for his/her welfare. This includes persons who, due to a weakened or impaired physical condition or mental condition, are unable to contact a responsible person having a concern for their well being.
 - 1. A detective will be assigned to conduct a follow-up investigation on all found person cases. The detective will attempt to identify the subject,

locate the family or friends, and return the subject to a person who will be responsible for their welfare. The detective will ascertain that a message has been sent.

2. If the subject is identified and released to responsible persons, the investigator will submit a supplementary report closing the case and cancel all applicable messages.
3. If all efforts to identify the subject have failed, the detective will contact the city agency responsible for care. This information will be included in the original message and a supplementary report will be submitted closing the case.

X. Medical Examiner's Forensic Detail

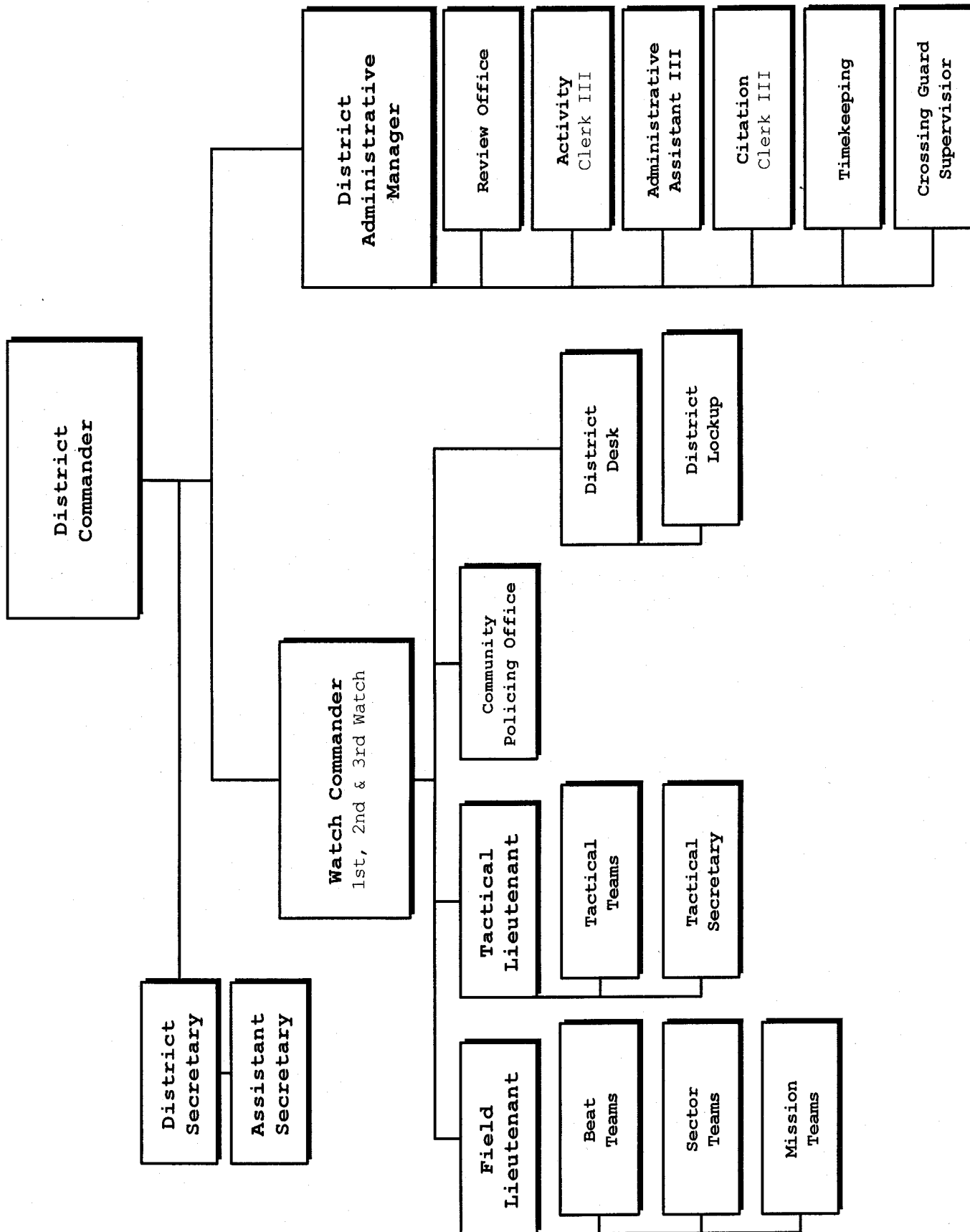
- A. There are personnel detailed from the Missing Persons Section to the Cook County Medical Examiner's detail. They are responsible for the investigation of unidentified persons, who have died of natural causes and have been brought to the morgue.
- B. An integral part of such investigations is the photographing of these subjects. A file of these investigations is maintained in the Missing Persons Section along with photographs and other pertinent information.
 1. Missing Persons Section personnel will send copies of these photographs to every Area Special Victim's Unit. Included with this information will be a description of the deceased as well as the date, time, location, etc., of discovery.
- C. A book will be maintained in each Area Special Victim's Unit containing the information received from Missing Persons on unidentified deceased persons. This book will be available to area personnel to assist them in missing persons investigations.

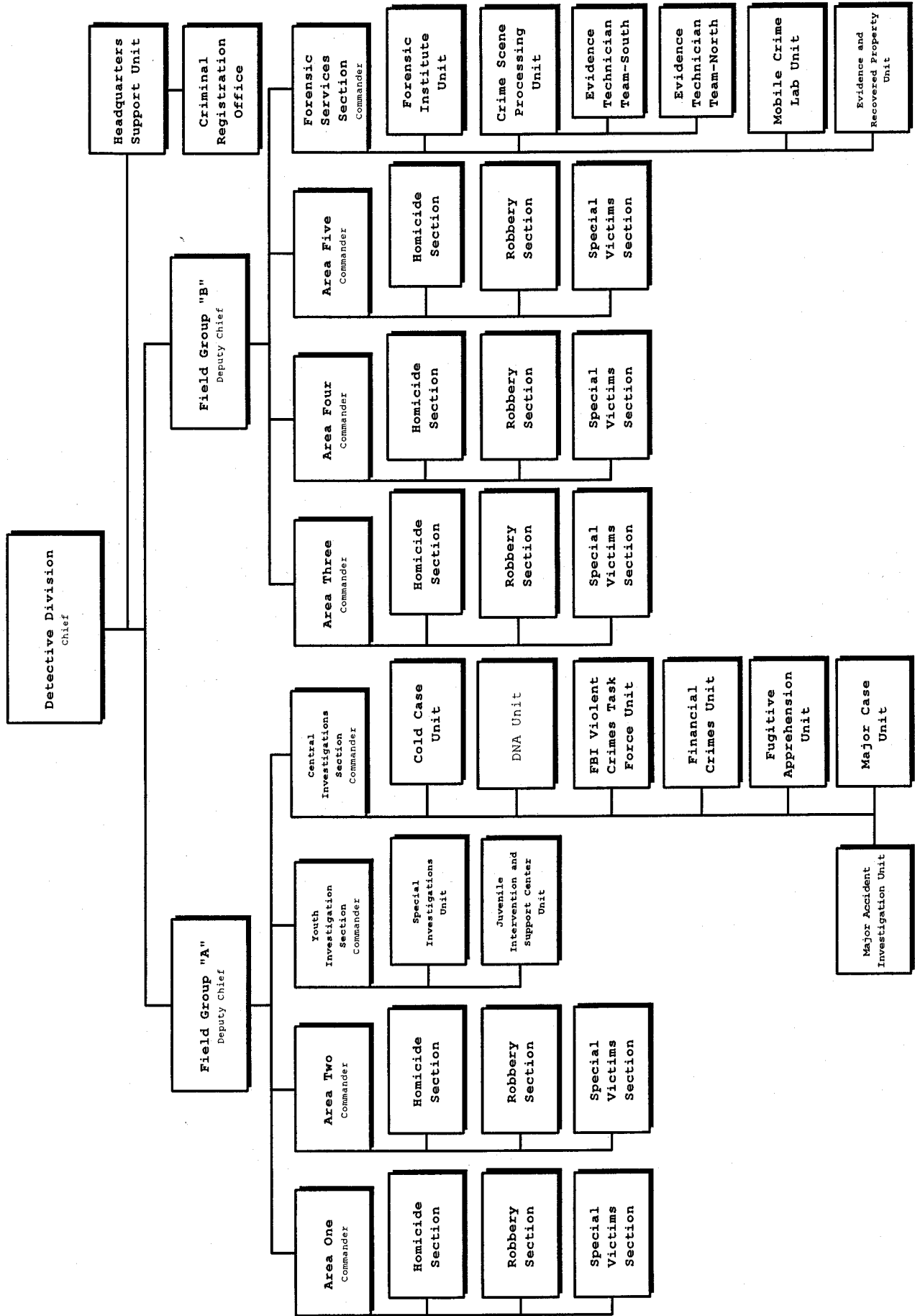


Operations
Assistant
Superintendent

**Bureau of
Investigative
Services**
Deputy
Superintendent

Bureau of Patrol
Deputy
Superintendent





EXECUTIVE SUMMARY

Cincinnati, Ohio – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Cincinnati Police Department (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Cincinnati Division of Police General Police Order 12.910 (the “Department Requirements”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy is explained below.

Local Requirements

The Department Policy is the CPD’s statutorily required written policy. The Department Policy establishes the goal that all missing persons cases are investigated in a professional and timely manner, and resolved as soon as possible by locating the missing person. The steps that the CPD follows when investigating a missing person case, as set forth in the Department Policy, are summarized below.

Initial Report

The CPD has a special unit, the Emergency Search for Missing or Endangered Team (“ESME”) that responds to all missing persons calls and conducts the initial investigations. ESME officers have specific training in first response to missing persons calls.

Any responsible adult with accurate information may report someone missing. However, any responsible and competent adult whose whereabouts are unknown by choice will not be considered a missing person. If there is any doubt as to whether the adult is missing by choice, the CPD will accept the missing person report.

An ESME officer will be dispatched to conduct the initial investigation and follow up on all missing persons cases. The ESME officer will call in the missing person report to Police Communications Section (“PCS”) as soon as an adequate description of the missing person is available, and PCS will broadcast the report. Additionally, the ESME officer will fax a copy of the missing person report to the Personal Crimes Unit (“PCU”), or the district of the missing person’s residence, if necessary.

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases). Police training requirements will be fully set forth in a separate memorandum.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Classification of Missing Persons Reports

Upon receipt of a missing person report, the on-scene supervisor and ESME officer will classify the missing person as an "Endangered Missing Adult," a "Missing Adult," or a "Senior Alert." An Endangered Missing Adults is a person 18 years of age or older that is likely to be in danger, due either to foul play or because the of the individual's mental or physical condition. A Missing Adult is a person over the age of 18 that is reported missing. The Senior Alert will be issued if the person reported missing is at least 65 years old, seems to be in danger, and the CPD has enough information to issue an alert that will help locate the individual.

The Department Policy also sets forth categories of risk for patients that are in health care facilities. These categories of risk are established by the Hamilton County Mental Health Board.

Possible Follow-Up Actions: Endangered Missing Adult or Senior Alert

If the person reported missing is classified as an Endangered Missing Adult or a Senior Alert, PCS will dispatch a supervisor to the scene. Depending on the time, the district supervisor will fax the missing person report to either PCU or Criminal Investigations Section ("CIS"). The PCU will determine whether additional PCU personnel should be called to respond. Additionally, the PCU will communicate information about the missing person, including a photograph, to the media, either by directing the Public Information Office to contact the media or by contacting the media directly, depending on the time of day.

Additionally, if a person reported missing is classified as an Endangered Missing Adult or Senior Alert, the district supervisor will determine whether an area search, conducted by the Hamilton County Urban Search and Rescue Task Force ("USAR"), a special response unit trained to conduct large area searches, is necessary. Furthermore, an officer can initiate the A Child is Missing Program ("ACIM") program, a national alert program, without the supervisor's permission.

If the Endangered Missing Adult or a Senior Alert is not a resident of Cincinnati, the CPD must also notify the police agency where the missing person resides.

Possible Follow Up Actions: Missing Adult

Adults between the ages of 18 and 20 will be entered into the National Crime Information Center database ("NCIC") and the Ohio Law-Enforcement Automated Data System ("LEADS") within two hours of the time the initial report is received. A missing adult between the age of 21 and 65 will be entered into the Cincinnati Regional Crime Information Center ("RCIC"), LEADS and NCIC by PCU if they are not located after 30 days.

Investigation

The ESME officer will obtain photographs and fingerprints of missing persons. The ESME officer will continue the investigation until the conclusion of the ESME officer's shift, and then, if the missing person has not been located, either the ESME officer's supervisor or the ESME officer will communicate all information to either the next shift ESME officer or a district investigator.

If a person remains missing for seven days, the district investigator assigned to the missing person case will submit the missing person case file to the investigative supervisor, who will forward the case file to PCU. After PCU receives a case file, it is responsible for all follow-up investigation.

Closing Missing Persons Cases

Upon locating or confirming, via credible information, the location of a reported missing person, CPD personnel will notify PCS to cancel the teletype and will file a CPD Incident Closure Report. CPD personnel will forward a copy of the Incident Closure Report to the district conducting the follow-up investigation, and the district will forward a copy to the Records Section.

If a person is not located and there is no information as to the person's location, the district will deem the missing person case inactive (i) at the end of 30 days if the individual who reported the individual missing cannot be found, or (ii) at the end of 90 days if the individual who reported the individual missing can be found, but there is no further helpful information available. PCU will maintain a perpetual file of all missing persons that have not been located. PCU will check missing persons through any County Law Enforcement Applied Regionally ("CLEAR"), a Hamilton County computer system that allows over 50 law enforcement agencies to share information.

Additional Services

In addition to missing persons investigations, PCU provides assistance with the identification of unidentified human remains, the return of disoriented located missing persons to a safe location, and locating individuals that have been charged with a crime and have been committed through adjudication or are awaiting adjudication and civil patients that have been placed with Summit Behavioral Healthcare ("SBH").

Comparison

The CPD Department Policy differs from the Cleveland Division of Police's policy on missing persons (the "Cleveland Policy") in three significant ways.

First, the CPD has more resources dedicated to investigating missing persons reports than the Cleveland Division of Police, including the ESME officers and USAR. Second, the CPD

VORYS

Department Policy reflects a substantial degree of cooperation between the CPD and both internal departments and external agencies, including the county-wide programs USAR and RCIC, and the internal cooperation as evidenced by the clearly outlined transition from the ESME unit and either PCU or CIS (depending on the time).

Third, the CPD Department Policy provides clearer definitions than the Cleveland Policy. The CPD Department Policy expressly excludes from the definition of missing adults any responsible and competent adult whose whereabouts are unknown by choice. The Cleveland Policy does not define missing persons. Additionally, the CPD Department Policy clearly sets out the criteria for classifying missing persons reports, and the elevated investigative responses and reporting requirements that are required for certain classifications. The Cleveland Policy generally defines categories of missing persons and the elevated investigative responses and reporting requirements associated with each category are not set out in an orderly and easy to understand manner. Finally, the CPD Department Policy provides clear definitions of active and inactive cases while the Cleveland Policy only sets out the steps that must be taken when a person is located.

Overall, the CPD Department Policy is significantly more detailed and easier to understand than the Cleveland Policy.

Additionally, the CPD's collective bargaining agreement does not require the Chief of Police to consider seniority when assigning officers to vacancies or new positions within the CPD. In contrast, the Cleveland Division of Police's collective bargaining agreement requires the Chief of Police to consider seniority on every other assignment, on a per unit basis.

SUMMARY

Cincinnati, Ohio – Requirements Related to Missing Persons

According to the Cincinnati Police Department (“CPD”) website, the CPD employs 1,057 sworn law enforcement officers and 281 non-sworn employees. The CPD received 1,319 missing person reports in 2007, 1,174 in 2008, and 1,088 in 2009. The City of Cincinnati has a population of 364,040.

Sources of Authority Regarding Cincinnati Police Department Requirements Related to Missing Persons¹

There are three sources of authority that establish the requirements that the Cincinnati Police Department (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)²; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Cincinnati Division of Police General Police Order 12.910 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing.

Local Requirements

The Department Policy is the CPD’s statutorily required written policy. The Department Policy establishes the goal that all missing persons cases are investigated in a professional and timely manner, and resolved as soon as possible by locating the missing person. The steps that the CPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below.

Initial Report

The CPD has a special unit, the Emergency Search for Missing or Endangered Team (“ESME”) that responds to all missing persons calls and conducts the initial investigations. ESME officers have specific training in first response to missing persons calls. However, persons reported missing from Summit Behavioral Healthcare, a behavioral health organization within the Ohio Department of Mental Health, and the largest freestanding psychiatric facility in Ohio, are investigated by the Ohio State Highway Patrol (the “Highway Patrol”). The CPD will assist the Highway Patrol when necessary.

¹ The scope of this memorandum is limited to missing persons, and does not include the legal authority relevant to missing children.

² Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Any responsible adult with accurate information may report someone missing. However, any responsible and competent adult whose whereabouts are unknown by choice will not be considered a missing person. If there is any doubt as to whether the adult is missing by choice, the CPD will accept the missing person report.

An ESME officer will be dispatched to conduct the initial investigation and follow up on all missing persons cases. If there is not an ESME officer available in the district of occurrence, an ESME officer from a neighboring district will respond. The ESME officer will conduct a preliminary investigation in an attempt to locate the person, and will complete the Missing Persons High Risk Assessment Questionnaire and the ESME Officer Check Off List.

The ESME officer will report the missing person to Police Communications Section ("PCS") as soon as an adequate description of the missing person is available by calling PCS and communicating the missing person report information. PCS will teletype and radio broadcast all missing persons reports. Additionally, the ESME officer will fax a copy of the missing person report to the Personal Crimes Unit ("PCU"). If the missing person report was completed for another district, the officer will immediately fax and mail copies of the missing person report to the district of residence of the missing person. Additionally, if the missing person report is classified as an "Endangered Missing Adult" or a "Senior Alert" (as defined below), the officer will hand carry the missing person report to the district of residence, unless that district is out of town.

Classification of Missing Persons Reports

Upon receipt of a missing person report, the on-scene supervisor and ESME officer will classify the missing person as an "Endangered Missing Adult," a "Missing Adult," or a "Senior Alert." An Endangered Missing Adults is a person 18 years of age or older that is either (i) a possible victim of foul play, (ii) in poor mental condition (for example, likely to do harm to self or others, or unable to respond to simple questions regarding personal information), (iii) in poor physical condition (for example, severely limiting physical impairments or dependent on life sustaining medication), or (iv) classified by the Hamilton County Mental Health Board as a Category I-high risk individual. A Category I-high risk individual is an individual that has left a care facility and has exhibited specific evidence of dangerousness to self or others, or is a legal hold. A Missing Adult is a person over the age of 18 that is reported missing. The Senior Alert will be issued if (i) the person reported missing is at least 65 years old, (ii) law enforcement has confirmed that the person is missing, (iii) the disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual, and (iv) there is sufficient information about the missing person to indicated that activation of the alert will help locate the individual.

The Department Policy also sets forth categories of risk for patients that are in health care facilities. These categories of risk are established by the Hamilton County Mental Health Board. The Category I-high risk individual is defined above. A Category II-moderate risk individual is one who has left a care facility and has a history of potential for aggression if provoked, but no conclusive evidence of dangerousness has been demonstrated. A Category III-low risk

VORYS

individual is an individual who has left a care facility but has no evidence of dangerousness. The CPD's response to persons reported missing from care facilities is not different based on these categories, unless the person is a Category I-high risk individual (as explained above).

Possible Follow-Up Actions: Endangered Missing Adult or Senior Alert

If the person reported missing is classified as an Endangered Missing Adult or a Senior Alert, the Police Communications Section ("PCS") will dispatch a district supervisor to the scene who will notify the Personal Crimes Unit ("PCU") (during the hours of 0800 to 0200) or Criminal Investigations Section ("CIS") (during the hours of 0200 to 0800). The district supervisor will fax a copy of the missing persons report to PCU. The PCU personnel involved in the investigation will detail all actions taken to locate the missing person on a Personal Crimes Unit Investigative Report form. Additionally, a PCU supervisor, or in the PCU officer's absence, a CIS shift supervisor, will decide if PCU personnel will be recalled to respond to the scene in exceptional cases requiring their expertise. The PCU department will also duplicate any photographs of the missing person for radio and television station notification. The PCU will notify the Public Information Office between the hours of 0800-1600 to contact the media. Between 1600-0800 hours, PCU will contact the media and advise the Public Information Office that the missing person information as forwarded to the media.

Additionally, if a person reported missing is classified as an Endangered Missing Adult or Senior Alert, the district supervisor will determine whether an area search is necessary. An area search is conducted by the Hamilton County Urban Search and Rescue Task Force ("USAR"), which is a special response unit trained to conduct searches for missing or lost persons that involve a large area search, a structure collapse, or other natural or manmade disasters. USAR may be activated when (i) the missing person is non-violent, (ii) the search is beyond the capabilities of a CPD canine unit, and (iii) the area to be searched is large. In order to activate USAR, the district supervisor must contact PCS and provide to PCS details of the incident and a contact number for an on-scene supervisor. PCS will contact USAR, and an USAR representative will discuss the situation with the on-scene supervisor and determine the best course of action. The on-scene supervisor will maintain authority over the scene. USAR will remain under the tactical supervision of the USAR officer in charge.

Finally, if a person reported missing is classified as an Endangered Missing Adult or a Senior Alert, an officer can initiate the A Child is Missing Program ("ACIM"). A supervisor's permission is not required to initiate ACIM. The Department Policy provides the phone number for ACIM and a list of the information that must be provided to ACIM, which includes the reporting agency name, the officer name and contact number, the case number or incident number, the name and description of the missing person, information on when the person was last seen, and the PCS phone number for reporting sightings.

If the Endangered Missing Adult or a Senior Alert is not a resident of Cincinnati, the CPD must also notify the police agency where the missing person resides.

Possible Follow Up Actions: Missing Adult

Adults between the ages of 18 and 20 will be entered into the National Crime Information Center database ("NCIC") and the Ohio Law-Enforcement Automated Data System ("LEADS") within two hours of the time the initial report is received.

If the missing adult is not a resident of Cincinnati, the CPD will refer the reporting person to the police agency of the missing person's residence. However, the CPD is not precluded from issuing an "Attempt to Locate" broadcast. If the police agency of the missing person's residence refuses to make the report, the district where the missing person was last seen will make the report and conduct the investigation.

A missing adult between the age of 21 and 65 will be entered into the Cincinnati Regional Crime Information Center ("RCIC"), LEADS and NCIC by PCU if they are not located after 30 days.

Investigation

The ESME officer will obtain photographs and fingerprints of missing persons. The photograph will stay with the unit that is investigating the missing person. If the investigation is transferred to PCU, the photograph will be attached to PCU's copy of the missing person report. Photographs of all persons reported missing should be retained, if possible. The ESME officer must indicate on the missing person report whether photographs and fingerprints were available.

The ESME officer will continue the investigation until the conclusion of the ESME officer's shift. Along with the district supervisor, the ESME officer will evaluate whether additional resources or personnel are required. The ESME officer will also follow up on all additional information obtained during the initial investigation, attempt to locate the missing person or develop additional leads, and start a case file. The case file must include a copy of the missing person report, the Missing Person High Risk Assessment Questionnaire, the ESME Officer Check-Off List, a photograph of the missing person, case notes and additional officer's notes (if applicable), a canvas log (if applicable) and a Missing Persons Task List (if applicable).

If the ESME officer's shift ends before the missing person is located, the ESME officer will notify a district supervisor who will reassign the case to the next shift ESME officer in the district, or, if the next shift has a district investigator, the missing person case will be reassigned to the investigative unit. In either case, the supervisor or outgoing ESME officer will brief the next ESME officer or district investigator on the progress of the investigation. When the case reaches the district investigative unit, a district investigator will follow up on the missing person case and update the case file.

If a person remains missing for seven days, the district investigator assigned to the missing person case will submit the missing person case file to the investigative supervisor. The investigative supervisor will review and approve the case file, confirm that the person is still missing, and forward the case file to PCU. After PCU receives a case file, it is responsible for all

VORYS

follow-up investigation. PCU supervisors will review the missing person case jacket for accuracy and completeness.

Closing Missing Persons Cases

Upon locating or confirming, via credible information, the location of a reported missing person, CPD personnel will notify PCS to cancel the teletype and will file a CPD Incident Closure Report. CPD personnel will forward a copy of the Incident Closure Report to the district conducting the follow-up investigation, and the district will forward a copy to the Records Section.

If a person is not located and there is no information as to the person's location, the district will deem the missing person case inactive (i) at the end of 30 days if the individual who reported the individual missing cannot be found, or (ii) at the end of 90 days if the individual who reported the individual missing can be found, but there is no further helpful information available. PCU will maintain a perpetual file of all missing persons that have not been located. PCU will check missing persons through any County Law Enforcement Applied Regionally ("CLEAR"), a Hamilton County computer system that allows over 50 law enforcement agencies to share information.

Additional Services

In addition to missing persons investigations, PCU provides assistance with the identification of unidentified human remains by searching its files and providing the Hamilton County Coroner with copies of any missing person report that has been open for 30 days.

PCU also provides assistance to missing persons who are located by the CPD, but are unable to determine their residence, relatives, or responsible friends by searching their records and contacting the appropriate agencies, including the ACIM program, 241-KIDS, and hospitals that can assist with mentally ill individuals.

The Department Policy also provides specific guidance on locating "forensic patients," which are patients that have been charged with a crime and have been committed through adjudication or are awaiting adjudication and civil patients that have been placed with Summit Behavioral Healthcare ("SBH").

Assignment to Specific Units

Assignment to specific units within the CPD is governed a collective bargaining agreement known as the Labor Agreement by and between the Queen City Lodge No. 69 Fraternal Order of Police and the City of Cincinnati (the "CBA"). The CPD provided the Non-Supervisors CBA for the years of 2007-2008. The CBA requires that all units receive notice of new assignment or vacancy. The chief of police then considers personal qualifications and competence when making the selection to fill the new assignment or vacancy. The provisions on

assignment to a specific unit do not govern temporary assignments. The CBA does not specifically indicate whether this process applies to the ESME unit.

Comparison

The CPD Department Policy differs from the Cleveland Division of Police's policy on missing persons (the "Cleveland Policy") in three significant ways.

First, the CPD has more resources dedicated to investigating missing persons reports. The CPD has ESME officers with specific training in initial responses to missing persons reports that begin the investigation process for each missing person. In contrast, the Cleveland Division of Police does not have a dedicated unit with special training that is focused on missing persons investigations. However, the Cleveland Division of Police does devote one zone car to each missing person report. An additional resource that the CPD has and the Cleveland Division of Police does not have is USAR. The CPD has access to a county-wide team that it can utilize for large area searches; the Cleveland Division of Police does not have a comparable resource.

Second, the CPD Department Policy reflects a substantial degree of cooperation between the CPD and both internal departments and external agencies. The Cleveland Policy mentions other agencies, but does not explain or emphasize the ways that those agencies interact with the Cleveland Division of Police. Further, the Cleveland Policy does not thoroughly explain how the different internal divisions of the Cleveland Division of Police interact, while the CPD Department Policy clearly sets forth how and when internal divisions of the CPD interact. Examples of the cooperation between the CPD and external agencies include the USAR the RCIC reporting system. Both are county-wide programs. A further example of the interaction with external agencies is the cooperation between the CPD and the Highway Patrol during the investigation of missing persons that have left SBH and the clearly stated categories of risk for patients in mental care facilities, which are established by the Hamilton County Mental Health Board. An example of how the internal divisions of the CPD cooperate is the clearly outlined transition from the ESME unit and either PCU or CIS (depending on the time). Additionally, the delineation of which internal division an officer should share information with during different hours shows the coordination between the units.

Third, the CPD Department Policy provides clearer definitions than the Cleveland Policy. The CPD Department Policy expressly excludes from the definition of missing adults any responsible and competent adult whose whereabouts are unknown by choice. The Cleveland Policy does not define missing persons. Additionally, the CPD Department Policy clearly sets out the criteria for classifying missing persons reports, and the elevated investigative responses and reporting requirements that are required for certain classifications. The Cleveland Policy generally defines categories of missing persons and the elevated investigative responses and reporting requirements associated with each category are not set out in an orderly and easy to understand manner. Finally, the CPD Department Policy provides clear definitions of active and inactive cases while the Cleveland Policy only sets out the steps that must be taken when a person is located.

VORYS

Overall, the CPD Department Policy is significantly more detailed and easier to understand than the Cleveland Policy.

Additionally, the CBA differs from the Cleveland Division of Police's collective bargaining agreement (the "Cleveland CBA") because it does not require the chief of police to consider the seniority of the officer applying for a position. In contrast, under the Cleveland CBA, the Chief of Police must fill one-half of the vacancies in each unit according to seniority. The other half of the vacancies can be filled without regard to seniority.

12.910 MISSING PERSONS

References:

Procedure 12.110, Handling Suspected Mentally Ill Individuals and Potential Suicides
Procedure 12.400, Offense Reporting, Miscellaneous Reporting
Procedure 12.555, Arrest/Citation: Processing of Adult, Misdemeanor and Felony Offenders
Procedure 12.600, Prisoners: Securing, Handling, and Transporting
Procedure 12.912, Child Abduction/Amber Alert Plan
NCIC Manual – Missing Persons
A Child is Missing Program – (ACIM)
Ohio Revised Code – Section 5502.52 Statewide Emergency Alert Program Regarding Abducted Children
Hamilton County Urban Search and Rescue Task Force-(USAR)

Definitions:

The Hamilton County Mental Health Board (HCMHB) defines categories of risk for patients in care facilities as follows:

Category I is a high risk. The individual has exhibited specific evidence of dangerousness such as a suicide plan, has made a threat against a specific person, etc. There is clear evidence of dangerousness, e.g., observed indiscriminate assaultive behavior or a complete inability to care for self. The individual is a minor or a legal hold.

Category II is a moderate risk. The evidence of dangerousness is inconclusive. History may indicate a potential for aggression if provoked. May have a history of Absent Without Leave (AWOL) with no violent episodes.

Category III has no evidence of dangerousness. There is no evidence the patient is dangerous to self or others and can care for self. Frequent AWOL abuser, self return is anticipated.

The **Emergency Search for Missing or Endangered (ESME) Team** is a group of officers with specific training in first response to missing persons calls for service. These officers respond to and conduct all initial missing persons investigations. Along with district supervisors, ESME officers evaluate the need for additional personnel or resources in each missing persons investigation based on the overall situation.

The **Hamilton County Urban Search and Rescue Task Force (USAR)** is a special response unit trained to conduct searches for missing or lost persons that involve a large area search, a structure collapse or other natural or manmade disaster.

Purpose:

Establish Department guidelines governing the reporting and investigation of missing persons.

To ensure all missing persons cases are investigated in a professional and timely manner and to resolve the cases as soon as possible by locating the missing person.

Policy:

Any responsible and competent adult whose whereabouts are unknown by his choice will not be reported as missing.

If any doubt exists, complete a Form 304, Cincinnati Police Department Missing Report.

Procedure:

A. Reporting a Missing Person

1. The onscene supervisor and ESME officer will classify the missing person as one of the following based on the circumstances of the missing person:
 - a. If the missing person is a juvenile:
 - 1) Missing Juvenile
 - a) A person less than 18 years of age
 - b) Reported missing by an adult
 - 2) Missing Runaway
 - a) A person less than 18 years of age
 - b) Reported missing by an adult
 - c) Through credible information, it has been determined the juvenile has left the care, custody and control of the reporting adult.
 - 3) Missing Juvenile AMBER Alert
 - a) There is a reasonable belief by law enforcement that abduction has occurred.
 - b) Law enforcement believes that the child is in imminent danger of serious bodily injury or death.
 - c) There is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child.
 - d) The abduction is of a child 17 years or younger.

- e) The Child's name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system.
- b. If the missing person is an adult
 - 1) Endangered Missing Adult
 - a) A person 18 years of age or older
 - b) A possible victim of foul play
 - c) In poor mental condition
 - 1] Likely to do harm to self or others
 - 2] Disoriented or unable to respond to simple questions regarding personal information, i.e., name, date, or place.
 - d) In poor physical condition
 - 1] Physical impairment(s) which severely limits self care
 - 2] Dependent on life sustaining medication
 - e) A Category I missing
 - 2) Missing Adult
 - a) A person 18 years of age or older
 - b) Reported missing
 - 3) Senior Alert
 - a) A person 65 years of age or older or who has a mental impairment.
 - b) Law enforcement has confirmed the individual is missing
 - c) The disappearance of the individual poses a credible threat of immediate danger of serious bodily harm or death to the individual
 - d) There is sufficient descriptive information about the individual and the circumstances surrounding their disappearance to indicate that the activation of the alert will help locate the individual.

2. If the missing person fits the criteria for a Missing Juvenile, AMBER Alert, Endangered Missing Adult, or Senior Alert, Police Communications Section (PCS) will dispatch a district supervisor to the scene who will:
 - a. Direct an area search if necessary.
 - 1) USAR may be activated for a search when:
 - a) The missing person is non-violent and
 - b) The search is beyond the capabilities of a CPD canine unit and
 - c) The area to be searched is large, such as a park or wooded area.
 - 2) USAR will be activated by notifying PCS.
 - a) Supervisors must provide to PCS details of the incident and a contact number for an on scene supervisor. A USAR representative will contact the on scene supervisor to determine the best course of action.
 - b) The on scene CPD supervisor will maintain authority over the scene. USAR units will remain under the tactical supervision of the USAR officer in charge. If circumstances arise that are in conflict with CPD policy and cannot be resolved, the on scene CPD supervisor will not deploy USAR units.
 - b. The supervisor will notify Personal Crimes Unit (PCU) during the hours of 0800 to 0200. From the hours 0200 to 0800, the supervisor will notify the Criminal Investigation Section (CIS) desk.
 - 1) The supervisor will ensure a copy of the Form 304 is faxed to PCU.
 - 2) A PCU supervisor, or in his absence a CIS shift supervisor, will decide if PCU personnel will be recalled to respond to the scene in **exceptional cases** requiring their expertise.
 - a) Contact CIS to recall PCU personnel
 - 3) PCU personnel will duplicate any photographs of the missing person for radio and television station notification.
 - a) 0800-1600 hours notify Public Information Office (PIO) to contact the media
 - b) 1600-0800 hours PCU will contact the media and advise PIO that the information has been forwarded

- 4) PCU personnel involved in the investigation will maintain a Form 188, Personal Crimes Unit Investigative Report, detailing all Department actions taken to locate the missing person.
3. If the missing person is a Missing Juvenile, AMBER Alert, Endangered Missing Adult, or Senior Alert, or is a found child/elderly/disabled that is unable to articulate their address, the responding officer can initiate A Child is Missing (ACIM) Program. A supervisor's permission is not necessary.
 - a. Call ACIM 24 hours a day/7 days a week, toll-free, at 1-888-875-2246.
 - b. Officers will answer all questions and provide the operator with the following information:
 - 1) Reporting agency name
 - 2) Officer name and contact number
 - 3) Case number (if available) or Incident number
 - 4) Name and description of missing
 - 5) Time, date, location, zip code, and county last seen
 - 6) PCS line number for sightings is 513-765-1212
4. Missing Person is a Juvenile
 - a. A Form 304 will be filed immediately on all missing juveniles.
 - b. Federal Law requires entry of missing juveniles into the Law Enforcement Automated Data System/National Crime Information Center (LEADS/NCIC) computer files within two hours from the time the original call is received.
 - c. The ESME officer completing the Form 304 will have it checked by a supervisor and will immediately fax a copy to PCU.
5. Missing Person is an adult
 - a. Adults 18, 19, or 20 years of age will be reported immediately. Federal Law requires entry of missing adults 18 years of age but less than 21, into the Law-Enforcement Automated Data System/National Crime Information Center (LEADS/NCIC) within two hours from the time the original call is received.

6. Nonresident of Cincinnati whose location is unknown
 - a. If the missing visitor does not meet the criteria of a Missing Juvenile, AMBER Alert, Missing Endangered, or Senior Alert, refer the reporting person to the police agency of the missing person's residence.
 - 1) This does not preclude the officer from initiating an "Attempt to Locate" broadcast if necessary.
 - b. If the agency where the missing person resides refuses to make the report, the district where the missing person was last seen will make the report and conduct the investigation.
 - c. If the missing person fits the criteria for an Endangered Missing Adult, or Senior Alert, follow Section A.2.
 - 1) Notify the police agency where the missing person resides.

B. Who May Report a Missing Person

1. Any responsible adult with accurate information may report someone missing. This will include nursing home or hospital representatives who have charge of the care of the missing person.
 - a. Missing residents of Summit Behavioral Healthcare (SBH) are investigated by the Ohio State Highway Patrol (OSHP). However, when necessary, Department personnel will assist OSHP.

C. Form 304, Cincinnati Police Department Missing Report

1. The ESME officer will call PCS with information from the Form 304 for the radio broadcast and teletype message. PCS will teletype and broadcast all missing persons.
2. Fax a copy to PCU.
3. Officers completing a Form 304 for other districts will immediately fax a copy and mail the Form 304 to the district of residence of the missing person.
 - a. Missing Juvenile, AMBER Alert, Endangered Missing Adult, and Senior Alert missing reports will immediately be hand carried to the district of residence, with the exception of out of town missings.
4. Missing persons who meet the criteria for immediate entry into LEADS/NCIC will be entered by PCU. During the hours of 0200 to 0700, or when PCU personnel are not working, missing persons meeting the immediate entry requirement will be entered by Police Communications Section. Updates and changes to LEADS/NCIC entries will be under the direction of PCU.

D. Missing Person Investigation and Case Assignment

1. An ESME officer will be dispatched to conduct the initial investigation and follow up on **all** missing person cases.
 - a. If there is not an available ESME officer in the district of occurrence, an ESME officer from a neighboring district will respond.
2. Before making the Form 304, the ESME officer will conduct a preliminary investigation, in an attempt to locate the missing person, which will include:
 - a. The completion of the Missing Persons High Risk Assessment Questionnaire (Form 311EQ)
 - b. The completion of the ESME Officer Check-Off List (Form 311EL)
3. Report missing persons to PCS as soon as an adequate description is available.
4. Photographs and fingerprints of missing persons
 - a. The ESME officer will obtain a picture of the missing person. Indicate on the Form 304 that a picture is available. The picture will stay with the district/section/unit investigating the missing. Send the picture to PCU to attach to their copy of the Form 304 if the investigation transfers to that unit. If possible, retain pictures of all persons reported missing.
 - b. The ESME officer will ask the reporting individual if there are fingerprints available of the missing person. Indicate on the Form 304 if the fingerprints are available and where they are on file.
5. The ESME officer will continue the investigation until the conclusion of his/her shift and will:
 - a. Notify a supervisor if they determine additional resources are needed for a search, canvass, media, etc.
 - b. Follow up on information obtained during the initial investigation.
 - c. Attempt to locate the missing person and/or develop additional leads.
 - d. Start a case file which will include:
 - 1) Copies of the missing report
 - 2) Missing Persons High Risk Assessment Questionnaire (Form 311EQ)
 - 3) ESME Officer Check-Off List (Form 311EL)

- 4) Photo of missing person
 - 5) Case notes and additional officer's notes if applicable
 - 6) Canvas log if applicable
 - 7) Missing Persons Task List if applicable
6. If the ESME officer's shift ends without the missing person being located:
 - a. The ESME officer will notify a district supervisor who will reassign the case to the next shift ESME officer in the district.
 - 1) If the next shift has a district investigator, the missing person case will be reassigned to the investigative unit.
 - b. Brief the next ESME officer or district investigator on the progress of the investigation.
 - c. Once the case reaches the district investigative unit, a district investigator will follow up on the missing person case, completing the case file with updated information and case progress.
 7. If after 7 days the missing person is not located, the district investigator assigned the missing person case will submit the missing person case file to the investigative supervisor. The investigative supervisor will confirm the person is still missing and, upon review and approval of the case file, will forward the case file to Personal Crimes Unit (PCU)
 - a. PCU is responsible for follow-up investigation after the 7 day district investigation.
 8. PCU supervisors will review the missing person case jacket for accuracy and completeness.
- E. Closing Missing Person Reports
1. Upon locating or confirming, via credible information, the location of a reported missing person, Department personnel will notify PCS to cancel the teletype and will complete a Form 311, Cincinnati Police Department Incident Closure Report, containing complete information.
 - a. Forward copies of the Form 311 to the district conducting the follow-up investigation.
 - 1) The District collator will forward a copy of the report to the Records Section.
 - b. If the located missing person is a juvenile, conduct a follow up investigation.

- 1) Attempt to determine where and with who the juvenile has been.
- 2) Speak with the juvenile and look for physical signs of abuse or neglect.
 - a) If there are allegations or physical signs of abuse or neglect, conduct/complete the appropriate investigations.

2. Inactive File

- a. Districts will file the Form 304 as inactive if the person has not returned, is not located, or there is no information as to the person's location when either:
 - 1) At the end of 30 days the individual who reported the missing person cannot be found, and there is no further information, or
 - 2) At the end of three months the individual who reported the missing person is located, but further helpful information is unavailable.
- b. Perpetual file of missing person reports
 - 1) PCU will maintain a perpetual file on all missing persons who have not been located.
 - a) PCU will enter appropriate missings in the LEADS/NCIC missing persons file.
 - 1] All missing adults, ages 21-65, missing over 30 days will be entered into RCIC, LEADS, and NCIC by Personal Crimes Unit.
 - 2] Check missing persons through any County Law Enforcement Applied Regionally (CLEAR) terminal using a QHW query.
 - 3] Access juvenile runaway warrants from Hamilton County with a QHW query.
 - 3) When a missing person's name is not known, check the missing persons file through any CLEAR terminal using the QM function.

F. Identification of Bodies

1. PCU can assist in the identification of unidentified human bodies by using its files.
2. PCU will send the Hamilton County Coroner copies of open missing person reports over 30 days old.

G. Found Persons

1. Department personnel who are unable to locate the residence, relatives, and/or other responsible friends of a found person will:
 - a. Contact PCU for assistance in interviewing the found person.
 - 1) PCU will check its records for a possible address on the subject.
 - 2) If PCU is unavailable, contact a CIS supervisor for assistance.
 - b. Officers may utilize the ACIM program.
 - c. Contact 241-KIDS for assistance in emergency care and/or placement of a juvenile.
 - d. Complete a Form 527, Cincinnati Police Department Arrest and Investigation Report according to procedures 12.555 and 12.600.
 - e. Any mentally ill person with a mental hold or who voluntarily agrees should be returned to the particular facility that reported the missing. If the facility is unknown, the subject is violent, or from outside the Hamilton County boundaries, the mentally ill person will be taken to University Hospital as directed in procedure 12.120.
2. If the found person is a juvenile, speak with the child and look for physical signs of abuse or neglect.
 - a) If there are allegations or physical signs of abuse or neglect, conduct/complete the appropriate investigations.

H. Out of Town Missings/Attempts to Locate, Possibly in Cincinnati, Being Investigated by Other Jurisdictions

1. PCS will teletype this information in an All County Broadcast (ACB).
2. PCU is responsible for any requested follow-up investigation.

I. Summit Behavioral Healthcare Walkaways

1. Forensic patients
 - a. These patients have been charged with a crime and have been committed through adjudication or are awaiting adjudication. They fall into four categories:
 - 1) NGRI - Not guilty by reason of insanity
 - 2) RTC - Restore to competency (for trial)
 - 3) IST - Incompetent to stand trial (probated by Civil Court)

- 4) Police Holds - Emergency psychiatric admissions transferred to the SBH prior to trial
- b. When a forensic patient escapes, walks away, or is AWOL from the SBH, the OSHP Hamilton Post will initiate a LEADS teletype and forward the information by fax to PCS for an All County Broadcast (ACB).
 - 1) OSHP will sign felony escape charges on the forensic patient and this information will be included with the ACB.
 - 2) District Four will receive a copy of the AWOL Data Sheet and will assign an investigator to assist the OSHP investigator.
 - a) District Four and PCS will maintain an AWOL Data Sheet File.
 - 3) Felony warrants signed on forensic patients will be handled by District Four Investigative Unit.
- c. Forensic patients escaping will receive classification by the HCMHB as a Category I, II, or III.
 - 1) Officers must be aware that a forensic patient has been charged with a crime, and therefore the risk assessment by the HCMHB is completely independent of the patient's status as a forensic patient.
- d. If apprehended, verify wanted status. Escape warrants will be on file at the Clerk's Office or entered in the computer.
 - 1) If the escape warrant is on file, transport the escapee to the Hamilton County Justice Center (HCJC).
 - 2) If the escape charge has not yet been filed, call the OSHP Hamilton Post at 863-4606. They will forward a teletype holder to the HCJC or advise to return the patient to the SBH.
- e. If taken to the HCJC, request "no bond" on the arrest report. If returned to the SBH at the OSHP's request, make a Form 316, Minor Accident/Aided Case/Mental Health Response Report.
 - 1) Fax a copy of all reports to the District Four Investigative Unit Commander. District Four will forward a copy to the OSHP.
- f. Wanted escapees found inside the City will be the Department's responsibility to transport
 - 1) On occasion, OSHP may request the Department's

assistance in picking up a prisoner in Hamilton County. This request will be coordinated through a District Four supervisor.

- g. Call PCS teletype and request a cancellation of the ACB wanted broadcast.
 - 1) PCS will contact OSHP to request cancellation of the LEADS teletype entry.

2. Civil Patients

- a. Patients at the SBH, through Probate Court, will not be charged with felony escape. They can be Category I, II, or III missings.
 - 1) OSHP will notify PCS as outlined above to initiate an ACB.
- b. If found unattended within the City, return them to the SBH.
 - 1) Violent patients will be transported to the University Hospital as directed in procedure 12.110.
- c. Do not transport nonviolent SBH civil patients from group homes, other out placement sites, or family members' homes. Patients who are simply late returning on a pass, in a hospital, or in custody of another police agency are the responsibility of the SBH Campus Police. SBH Campus Police can be reached at 948-3600 for transport.
- d. Make a Form 316 on any civil patient transported to SBH and fax a copy to the District Four Investigative Unit.
- e. Call PCS teletype and request a cancellation of the ACB wanted broadcast.
 - 1) PCS will contact the OSHP to request cancellation of the LEADS teletype entry.

EXECUTIVE SUMMARY

Columbus, Ohio – Requirements Related to Missing Persons

Introduction¹

There are three sources of authority that establish the requirements that the Columbus Police Department (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)²; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Columbus Police Division Directive 3.56 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy defines a missing person as any person 18 years of age or older who is absent from where he or she is supposed or expected to be when the person (i) has a mental or physical disability, (ii) is missing under circumstances that indicate his or her safety may be in danger, or (iii) is missing involuntarily (an involuntary absence will be assumed if the length of absence is unreasonable or appears to be involuntary).

A patrol officer will complete a missing person report and document the report under the missing person report classification. The patrol officer must take a missing person report even if there appears to be no basis for the report, and should note that there appears to be no basis for the report in the narrative of the missing person report.

The patrol officer taking the report must notify the person giving the report that the information will be entered into the Law Enforcement Automated Data System (“LEADS”) and National Crime Information Center (“NCIC”) immediately, and request that the reporting person notify the CPD if the missing person returns or is located.

If a person reported missing is believed to be in danger or is considered to be dangerous to himself or others, the patrol officer must conduct a search and may notify the Special Victims Bureau for additional assistance.

¹ The scope of this memorandum is limited to missing persons, and does not include the legal authority relevant to missing children.

² Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Reporting

The Records Unit is responsible for entering any information about a missing person into both the LEADS system and the NCIC database immediately, and for cancelling any LEADS or NCIC entries upon notification that the person entered is no longer missing.

Comparison

The CPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

First, the CPD Department Policy limits its definition of "missing person" to an individual that is missing and either has a mental or physical disability, or is missing under circumstances that indicate danger or an involuntary absence. While the Cleveland Policy does not provide a definition of "missing person," it also does not exclude any person from being reported missing.

Second, the CPD Department Policy expressly requires a patrol officer to note on any missing person report that there appears to be no basis for the report, while the Cleveland Policy does not permit or require a patrol officer to make an evaluation of the seriousness of the missing person report at the time it is taken.

Third, the CPD Department Policy does not define classifications of missing persons reports or provide information on the appropriate reporting into the LEADS system or NCIC database, while the Cleveland Policy provides more detailed information on classification and report.

Fourth, the CPD Department Policy only requires a search for the person reported missing if the person may be in danger or is dangerous to himself or others, while the Cleveland Policy does not limit searches.

In one area, the CPD Department Policy reflects a more robust response to a report of a missing person. The patrol officer can notify the Special Victims Bureau if the person reported missing is in danger, and obtain additional investigative assistance. The Cleveland Policy does not include a procedure for elevating a missing persons report to a more specific unit or obtaining additional investigative assistance.

SUMMARY

Columbus, Ohio – Requirements Related to Missing Persons

According to the Columbus Police Department (“CPD”) 2008 Annual Report, the CPD employs 1,876 full-time sworn Police Officers. The CPD has a Missing/Exploited Children Unit and a Sexual Assault Unit that are involved in missing person investigations. The Missing/Exploited Children Unit currently has five detectives. The Missing/Exploited Children Unit received 6,753 missing person reports in 2008, and 6,726 in 2009. The Sexual Assault Unit currently has 13 detectives. The Sexual Assault Unit received 118 abduction/kidnapping reports 2007, 106 in 2008, and 84 in 2009. Columbus has a population of 773,277, according to the U.S. Census Bureau Estimate for 2006.

Sources of Authority Regarding Columbus Police Department Requirements Related to Missing Persons¹

There are three sources of authority that establish the requirements that the Columbus Police Department (“CPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)²; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Columbus Police Division Directive 3.56 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the CPD’s statutorily required written policy. The steps that the CPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below.

Initial Report

The CPD defines a missing person as any person 18 years of age or older who is absent from where he or she is supposed or expected to be when the person (i) has a mental or physical disability, (ii) is missing under circumstances that indicate his or her safety may be in danger, or

¹ The scope of this memorandum is limited to missing persons, and does not include the legal authority relevant to missing children.

² Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that that Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

(iii) is missing involuntarily (an involuntary absence will be assumed if the length of absence is unreasonable or appears to be involuntary).

If a person is reported missing from a custodial institution or group home that is affiliated with Franklin County Children Services, personnel from the custodial institution or group home will complete the missing persons report and fax it to the Columbus Police Records Unit. A patrol officer will complete the missing person report for all other persons reported missing, and document the report under the missing person report classification. The patrol officer must take a missing person report even if there appears to be no basis for the report, and should note that there appears to be no basis for the report in the narrative of the missing person report.

The patrol officer taking the report must notify the person giving the report that the information will be entered into the Law Enforcement Automated Data System ("LEADS") and National Crime Information Center ("NCIC") immediately, and request that the reporting person notify the CPD if the missing person returns or is located.

Investigation

The patrol officer that took the report must conduct a search for any person reported missing who may be in danger or is considered to be dangerous to himself or others. The Precinct Sergeant will coordinate and determine the extent of the search, contact other units to participate in the search, if necessary, and notify the Patrol Administrative Unit of any search that should be entered into the Patrol Unusual Occurrence Log.

If there is cause to believe a missing person, mentally impaired person, or any person 65 years of age or older may be in danger, the patrol officer must notify the Special Victims Bureau. An investigator from the Missing/Exploited Children Unit or the Sexual Assault Unit will respond. If the Missing/Exploited Children Unit responds, the officers must issue alerts in accordance with state law and Investigative Subdivision SOP.

Reporting

The Records Unit is responsible for entering any information about a missing person into both the LEADS system and the NCIC database immediately, and for cancelling any LEADS or NCIC entries upon notification that the person entered is no longer missing.

Comparison

The CPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

First, the CPD Department Policy limits its definition of "missing person" to an individual that is missing and either has a mental or physical disability, or is missing under circumstances that indicate danger or an involuntary absence. While the Cleveland Policy does

VORYS

not provide a definition of "missing person," it also does not exclude any person from being reported missing.

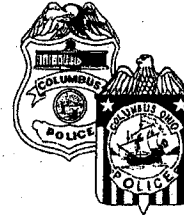
Second, while the CPD Department Policy requires a patrol officer to accept any report of a missing person, the CPD Department Policy also expressly requires a patrol officer to note on any missing person report that there appears to be no basis for the report. The Cleveland Policy does not permit or require a patrol officer to make an evaluation of the seriousness of the missing person report at the time it is taken.

Third, the CPD Department Policy does not define classifications of missing persons reports or provide information on the appropriate reporting into the LEADS system or NCIC database. In contrast, the Cleveland Policy defines the classifications of missing persons reports and provides information on which classifications require certain elevated responses, including reporting into the LEADS system or NCIC database.

Fourth, the CPD Department Policy only requires a search for the person reported missing if the person may be in danger or is dangerous to himself or others. While the Cleveland Policy does not clearly state that a zone car is assigned to investigate any person reported missing, based on information obtained by the Commission through visits to the Cleveland Police Department, including "ride-alongs" with patrol officers, the actual practice of the Cleveland Police Department is to assign a zone car to any missing person report, regardless of the likelihood of danger.

In one area, the CPD Department Policy reflects a more robust response to a report of a missing person. The patrol officer can notify the Special Victims Bureau if the person reported missing is in danger, and obtain additional investigative assistance. The Cleveland Policy does not include a procedure for elevating a missing persons report to a more specific unit or obtaining additional investigative assistance.

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 3.56
	REVISED Sep. 15, 2008	TOTAL PAGES 2
Missing Persons		



Cross Reference:..... 3.35

I. Definitions

- A. A missing person is any person 18 years of age or older who is absent from where he or she is supposed or expected to be and when at least one of the following apply:
 1. The person has any mental or physical disability.
 2. The person is missing under circumstances indicating his or her safety may be in danger.
 3. There is any indication that the absence is not voluntary. An involuntary absence will be assumed if the length of absence is unreasonable or appears to be involuntary.
- B. A missing child is any person who is under 18 years of age, and who:
 1. Has run away or is otherwise missing from the home or from the care, custody, or control of parents, custodial parent, guardian, legal custodian, or other person having responsibility for the minor.
 2. Is missing and there is reason to believe the child could be the victim of kidnapping, abduction, unlawful restraint, or interference with custody.

II. Policy Statements

- A. Division personnel shall notify the Special Victims Bureau anytime there is cause to believe a missing person, missing child, **mentally impaired person, or any person 65 years of age or older** may be in danger. An investigator from the Missing/Exploited Children Unit or Sexual Assault Unit shall respond.
- B. A missing child age 12 or under shall be assumed to be in danger and is considered a high-risk missing.
 1. During first and second shift hours, an investigator from the Missing /Exploited Children Unit or Sexual Assault Unit shall respond.
 2. During third shift hours, an investigator from the Domestic Violence Unit shall respond.
- C. Responsibility for completion of missing person/missing child reports:
 1. Personnel from any custodial institution or group home that is affiliated with Franklin County Children Services shall report persons missing from their facility by completing **the AWOL From Placement form, I-40.113**, and fax it to the Columbus Police Records Unit.

2. All other missing reports shall be completed by Patrol officers.

III. Procedures

A. Reporting Officer

1. Immediately complete an Incident Report when there is an indication someone is missing.
 - a. Document a missing person or a missing child under the missing person report classification.
 - b. When a complainant insists, complete a report even if there appears to be no basis for the report and note this fact in the narrative.
2. If the report is not taken using NetRMS, notify the Records Unit as soon as possible.
3. Advise the reporting person of the following:
 - a. That **any** missing person/child's information will be entered into LEADS/NCIC **immediately**.
 - b. To notify the Division if the missing person/child returns or is located.
4. Conduct a search for anyone reported missing who may be in danger or who is **considered to be** dangerous **to themselves or others**.
5. Notify the precinct sergeant and the Special Victims Bureau, as necessary.
6. Cancel the missing person report as soon as possible after verifying the return or apprehension of the missing person/child.

B. Precinct Sergeant

1. Coordinate and determine the extent of any searches.
2. Contact other units to participate in any searches and/or investigations when circumstances dictate.
3. Notify the Patrol Administrative Unit of any search that should be entered into the Patrol Unusual Occurrence Log.

C. Records Unit

1. Enter the information regarding any missing person/child into LEADS/NCIC **immediately. Information regarding a child aged 13 to 17 who is AWOL from a group home must be entered within 12 hours.**
2. Cancel the LEADS/NCIC entry upon notification that an entered person/child is no longer missing.

D. Missing/Exploited Children Unit

Conduct follow-up investigations **and issue alerts in accordance with state law and the Investigative Subdivision SOP.**

EXECUTIVE SUMMARY

Kansas City, Missouri – Requirements Related to Missing Persons

Introduction

The Kansas City Police Department (“KCPD”) is subject to several requirements related to missing persons which are based on both Missouri state law (the “Statutory Requirements”) and local KCPD policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

The Statutory Requirements define when a person is a “missing person” and also prohibit any law enforcement agency from enforcing any type of waiting period before opening a missing person investigation. The Statutory Requirements also require a law enforcement agency to immediately enter a missing person report into the National Crime Information Center (“NCIC”) database and establish a central repository for all information regarding Missouri missing persons in the State Highway Patrol. When a missing person is located, the Statutory Requirements direct any law enforcement agency to immediately remove that missing person report from the NCIC database.

Local Requirements

The Department Policy requires the KCPD to complete a missing person report when a preliminary investigation determines that certain circumstances exist, such as whether the person is under the care of a physician for mental health issues or for life-threatening physical ailments, whether the person has threatened suicide in the past or is otherwise at risk of harming himself or herself, whether the person suffers from dementia, whether foul play appears to be involved, and whether there is no logical reason for the disappearance. If any of the circumstances exist, an officer is required to complete a report including many details such as the missing person’s name, age, and physical description, the relationship of the reporting person to the missing person, when and where the person was last seen, the person’s cell phone number, and any vehicle information. The officer must then contact the appropriate KCPD investigation personnel, which is the Fugitive Apprehension and Arraignment Section between 7:00 a.m. and 3:00 p.m. Monday through Friday, and the Violent Crimes Division at all other times.

Comparison of Requirements for Kansas City Police Department and Requirements for Cleveland Division of Police

The KCPD and the Cleveland Division of Police (the “CPD”) are subject to very similar requirements related to missing person investigations, although there are a few distinct differences.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Missouri state law prohibits any automatic waiting period before opening a missing person investigation, while Ohio state law has no similar prohibition. Missouri state law also requires that a missing person report be immediately entered into the NCIC database, while Ohio state law only requires immediate entry for missing persons between the ages of 18 and 21. In addition, Missouri state law establishes a central repository for all information regarding Missouri missing persons, while Ohio state law has no similar provision.

The KCPD's Department Policy defines the criteria used during a preliminary investigation to determine whether a missing person report will be completed. The CPD's Department Policy does not include any similar criteria. The KCPD's Department Policy also defines which group of investigators should be contacted by the reporting officer depending on the time and day, while the CPD's Department Policy does not contain any similar provision.

The CPD's Department Policy requires investigating officers to contact other departments and organizations, such as the Warrant Unit and Coroner's Office, to determine whether the missing person has been located, while the KCPD's Department Policy does not contain a similar requirement.

SUMMARY

Kansas City, Missouri – Requirements Related to Missing Persons

Kansas City has a population of 451,454, and the Kansas City Police Department (“KCPD”) employs 1,325 police officers. Crime in the United States 2008. The KCPD currently has two detectives who handle all missing person cases. There were 108 missing person reports filed in 2008 and at least 88 missing person reports filed in 2009.

Sources of Authority Regarding Kansas City, Missouri, Police Department Requirements Related to Missing Persons

There are two levels of authority that establish the requirements that the KCPD must comply with in relation to missing persons: (1) Missouri Revised Statutes sections 43.400, 43.401, 43.402, and 650.025 (the “Statutory Requirements”); and (2) the Kansas City Police Department Procedural Instruction 09-5 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

Missouri state law defines a missing person as a person who is at least 17 years old, is missing, and: (1) is physically or mentally disabled to the degree that the person is dependent upon an agency or another individual, or (2) is missing under circumstances indicating that the missing person’s safety may be in danger, or (3) is missing under involuntary or unknown circumstances, or (4) is missing under circumstances indicating that the person was in the presence of someone whose presence was in violation of a court order, and there are reasonable grounds to believe that the person may be taken outside the United States. (Mo. Rev. Stat. § 43.400).

Anyone may report a person missing by filing a missing person complaint with a law enforcement agency having jurisdiction. The complaint is required to include the following information under Mo. Rev. Stat. § 43.401:

- The name of the person filing the complaint;
- The relationship of the person filing the complaint to the missing person;
- The name, age, address, and all identifying characteristics of the missing person;
- The length of time the person has been missing; and
- All other information deemed relevant by either the person filing the complaint or the law enforcement agency.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

The law enforcement agency receiving a complaint must immediately enter a report of the missing person into the Missouri Uniform Law Enforcement System ("MULES") and the National Crime Information Center ("NCIC") database. The law enforcement agency must also disseminate the report to other law enforcement agencies who may come into contact with, or be involved in the investigation of, the missing person. (Mo. Rev. Stat. § 43.401).

Missouri law also provides that no law enforcement agency may prevent an immediate active investigation on the basis of any rule it might have which specifies an automatic time limitation for a missing person investigation. (Mo. Rev. Stat. § 43.401).

The Missouri legislature has established a Missing Persons Unit within the State Highway Patrol (the "Patrol") as the central repository for the state for all information regarding missing persons. The Missing Persons Unit has a duty to collect and disseminate information regarding missing persons, along with a duty to provide members of the Patrol to assist in the investigation of reports of missing persons. (Mo. Rev. Stat. § 43.402).

There is also a special category of missing persons in Missouri – missing endangered persons. A missing endangered person is one whose whereabouts are unknown and who is: (1) physically or mentally disabled to the degree that the person is dependent upon an agency or another individual, (2) missing under circumstances indicating that the missing person's safety may be in danger, or (3) missing under involuntary or unknown circumstances. The Department of Public Safety ("DPS") is granted authority to promulgate rules establishing the recommended procedures for issuing missing endangered person advisories, where an endangered person advisory is defined as a voluntary partnership between law enforcement and local broadcasters to rapidly disseminate information about a missing and endangered person to law enforcement agencies, broadcasters, and the public. Under this authority, the Missing Persons Unit (a division of the DPS) has issued a standardized Endangered Person Advisory Form, which can be used to initiate such an advisory. (Mo. Rev. Stat. § 650.025).

Once a missing person is located, or when a law enforcement agency having jurisdiction determines that the person is no longer missing, the law enforcement agency that reported the missing person must immediately remove the missing person record from the MULES and NCIC files. (Mo. Rev. Stat. § 43.401).

Local Requirements

The Department Policy is the KCPD's written procedure for the investigation of adult missing persons. It prescribes specific duties necessary to implement the State Requirements.

Under the Department Policy, a person may be declared "missing" when his or her whereabouts are unknown and unexplained for a period of time deemed highly unusual or suspicious by knowledgeable parties, considering the person's behavior patterns, plans, or routines.

Once a person meets the criteria to be declared missing, the dispatcher will send at least one officer and a sergeant to the call. A missing person report will be completed when a preliminary investigation determines that one or more of the following circumstances exist:

- The missing person is under the care of a medical doctor for life-threatening physical ailments requiring immediate medical attention;
- The missing person is under the care of a psychologist or psychiatrist for mental health issues;
- The missing person has threatened suicide in the past, or is at risk of harming himself or herself;
- The missing person suffers from diminished mental capacity or medical conditions that are potentially life-threatening if left untreated;
- The missing person suffers from dementia or Alzheimer's disease;
- There is a strong indication of foul play being involved in the disappearance; or
- No foul play is involved and there is no logical reason for the disappearance.

If any of the above criteria apply, the officer will complete a report containing the following information:

- Mandatory:
 - Name, age, and physical description of the person;
 - The relationship of the reporting party to the missing person;
 - Time and place of the last known location of the missing person, along with the identity of anyone accompanying the person;
 - Vehicle information; and
 - Cell phone information.
- Recommended if available:
 - The extent of any search for the person;
 - Whether the person has been missing on prior occasions;
 - The degree to which the absence departs from established behavior patterns, habits, or plans;
 - Whether the person has been recently involved in domestic incidents; suffered emotional trauma or a life crisis; demonstrated unusual, uncharacteristic, or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness;
 - The current physical condition of the person; and
 - Whether the person is currently on prescription medication.

The reporting officer must then contact investigations personnel from the dispatched location. The officer should notify the KCPD's Fugitive Apprehension and Arraignment Section ("FAAS"), which has primary responsibility for investigating all missing persons cases, between the hours of 7:00 a.m. and 3:00 p.m. Monday through Friday, or the Violent Crimes Division between 3:00 p.m. and 7:00 a.m. Monday through Friday, and all day on weekends and holidays.

Officers should also determine whether the missing person participates in Project Lifesaver, which uses an electronic tracking device to assist in locating persons who suffer from

dementia-type disorders.¹ If the missing person does participate, the officer should notify the FAAS from the scene regardless of the time of day.

The FAAS supervisor, or the Violent Crimes Division supervisor when the FAAS supervisor is off-duty, is responsible for issuing pickup or cancellation orders for the missing person, and for issuing a voice broadcast for the victim when applicable.

Comparison of Requirements for Kansas City Police Department and Requirements for Cleveland Division of Police

The KCPD and the Cleveland Division of Police (the “CPD”) are subject to very similar requirements as related to missing person investigations, although there are a few distinct differences, as detailed below.

Missouri state law prohibits any automatic waiting period before opening a missing person investigation, while Ohio state law has no similar prohibition. Missouri state law also requires that a missing person report be immediately entered into the NCIC database, while Ohio state law only requires immediate entry for missing persons between the ages of 18 and 21. In addition, Missouri state law establishes a central repository for all information regarding Missouri missing persons in the State Highway Patrol, while Ohio state law has no similar provision.

The KCPD’s Department Policy defines the criteria used during a preliminary investigation to determine whether a missing person report will be completed, including whether the person is under the care of a physician for mental health issues or for life-threatening physical ailments, whether the person has threatened suicide in the past or is otherwise at risk of harming himself or herself, whether the person suffers from dementia, whether foul play appears to be involved, and whether there is no logical reason for the disappearance. The CPD’s Department Policy does not include any similar criteria.

The KCPD’s Department Policy also defines which group of investigators should be contacted by the reporting officer depending on the time and day. It directs the officer to contact the FAAS between the hours of 7:00 a.m. and 3:00 p.m. Monday through Friday, and to contact the Violent Crimes Division between 3:00 p.m. and 7:00 a.m. Monday through Friday and all day on weekends and holidays. The CPD’s Department Policy does not contain any similar provision.

The CPD’s Department Policy requires investigating officers to contact other departments and organizations, such as the Warrant Unit and Coroner’s Office, to determine whether the missing person has been located, while the KCPD’s Department Policy does not contain a similar requirement.

¹ Project Lifesaver is operated by Project Lifesaver International (“PLI”), a non-profit corporation. According to its web page, PLI has over 1000 participating agencies across the U.S., Canada, and Australia, and has performed over 1900 searches in the last 10 years with a 100% success rate.



KANSAS CITY, MO. POLICE DEPARTMENT
PROCEDURAL INSTRUCTION

DATE OF ISSUE
8-28-09

EFFECTIVE DATE
9-9-09

NO.
09-5

Adult Missing Persons

REFERENCE

Procedural Instructions - Call Prioritization

RESCINDS

Department Memorandum 05-22

AMENDS

I. Purpose

To establish procedures for the investigation of adult missing persons.

II. Procedure

A. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

1. The dispatcher will send at least one officer and a sergeant to the call.
2. A missing person report will be completed when a preliminary investigation determines one or more of the following circumstances exists:
 - a. The missing subject is under the care of a medical doctor for life threatening physical ailments requiring immediate treatment or medication.
 - b. The missing subject is under the care of a psychologist/psychiatrist for mental health issues.
 - c. The missing subject has threatened suicide in the past, or is at risk of harming himself or herself.
 - d. The missing subject suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended.
 - e. The missing subject suffers from dementia or Alzheimer's disease.
 - f. ~~There is a strong indication of foul play being involved in the disappearance.~~
 - g. No foul play is involved and there is no logical reason for the disappearance.
3. If the criteria have been met to take a report the member will complete a report in the Automated Reporting System (ARS) with the nature of call "Miss Pers" (Missing Person).
 - a. Enter the following information in the applicable fields of the ARS report:

- (1) Name, age and physical description of the subject and relationship of the reporting party to the missing person.
 - (2) Time and place of last known location and the identity of anyone accompanying the subject.
 - (3) Vehicle information
 - (4) Cell phone information
- b. It is recommended that the following information, if available, also be added to the ARS report narrative:
 - (1) The extent of any search for the subject.
 - (2) Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
 - (3) Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.
 - (4) The current physical condition of the subject and whether the person is currently on prescription medication.
4. Jackson County Sheriff's Department will take missing persons reports from the following facilities:
 - a. Western Missouri Mental Health
 - b. Kansas City Community Center
 - c. Truman Medical Center – East and West
 - d. VA Hospital – Psychiatric

C. Notification

1. The reporting member will contact Investigations personnel during the following times from the dispatched location:
 - a. Fugitive Apprehension and Arraignment Section (FAAS) – Monday through Friday 0700-1500.
 - b. Violent Crimes Division – Monday through Friday 1500-0700 and weekends and holidays.

2. Members should determine if a missing person participates in Project Lifesaver. If it is determined that the missing person participates in Project Lifesaver, the member should notify FAAS through the Communications Unit Supervisor from the scene regardless of time of day. Project Lifesaver is an electronic tracking device that assists in locating persons who suffer from dementia type disorders.

D. FAAS or Violent Crimes Supervisor Responsibilities:

- a. Issue pickup and/or cancellation for the missing person in a timely manner and complete a supplemental report under the original CRN and note this information in the narrative of the ARS report. The ALERT entry should be listed as "Missing/Endangered" to ensure the pickup order remains in NCIC longer than 48 hours.
- b. Issue a voice broadcast for the victim when applicable.
- c. Contact the FAAS Supervisor if there is a need for an immediate investigation or a field search for the missing person due to a life threatening situation. During non-duty hours, the off-duty FAAS Supervisor should be contacted via the Communication Unit Supervisor.
- d. FAAS shall have the primary responsibility for investigating all reported missing persons. Any questions regarding ongoing adult missing person investigations should be referred to FAAS during the duty hours of 0700-1500 hours, Monday thru Friday.

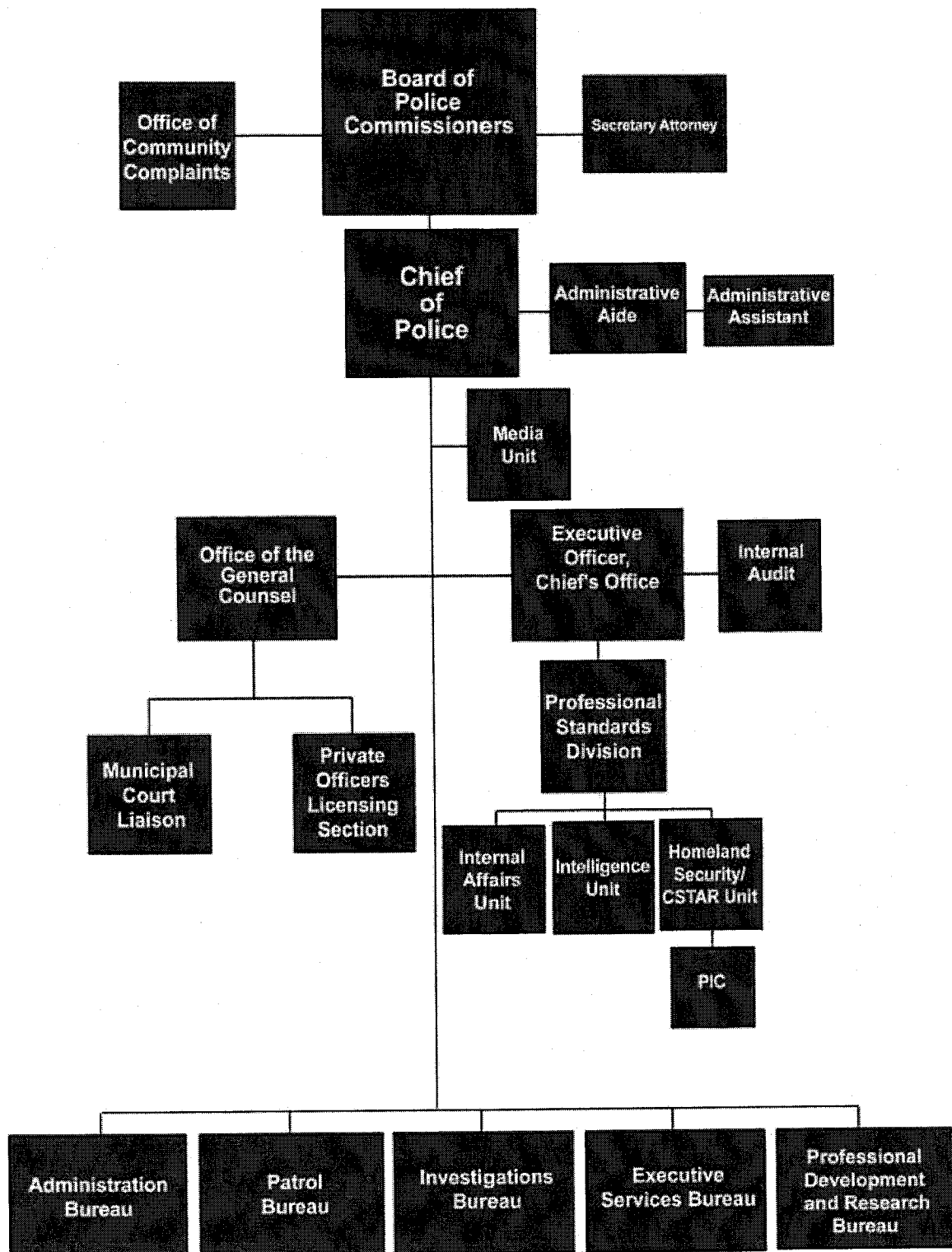
James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2009.

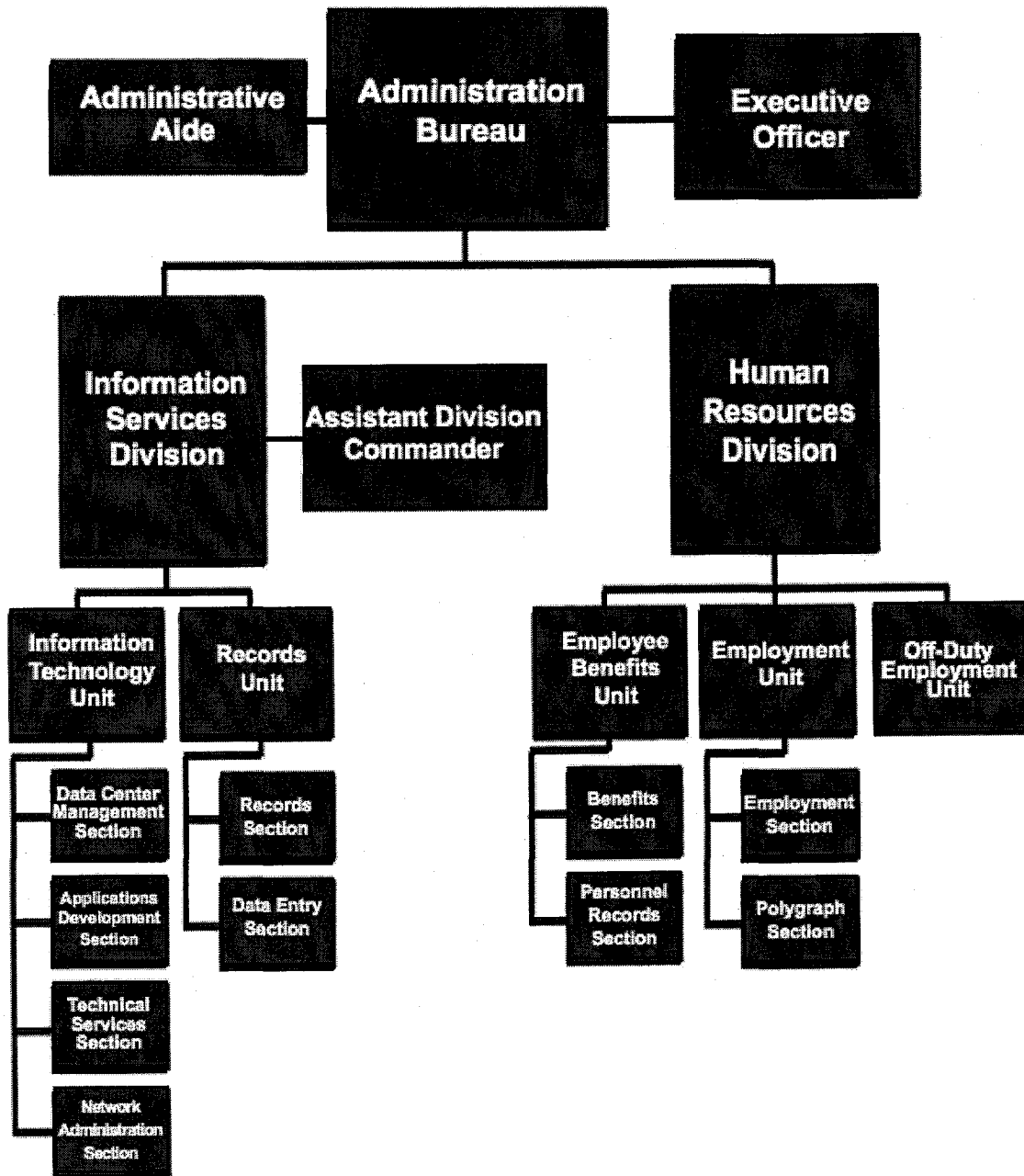
Mark C. Thompson
President

DISTRIBUTION: All Department Personnel
Post on all Bulletin Boards for two weeks
Public View Master Index – Internet
Department Master Index – Intranet

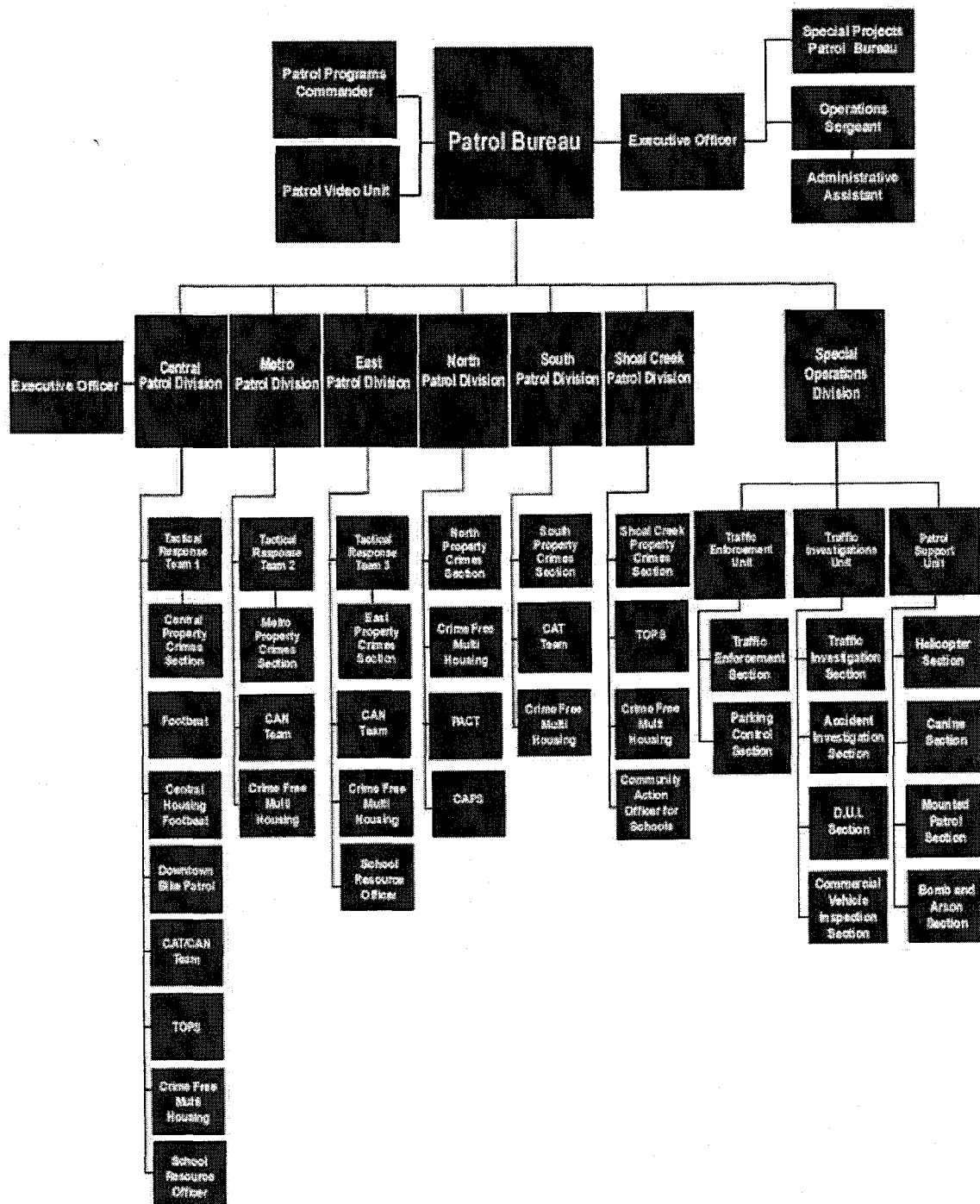
Kansas City Police Department



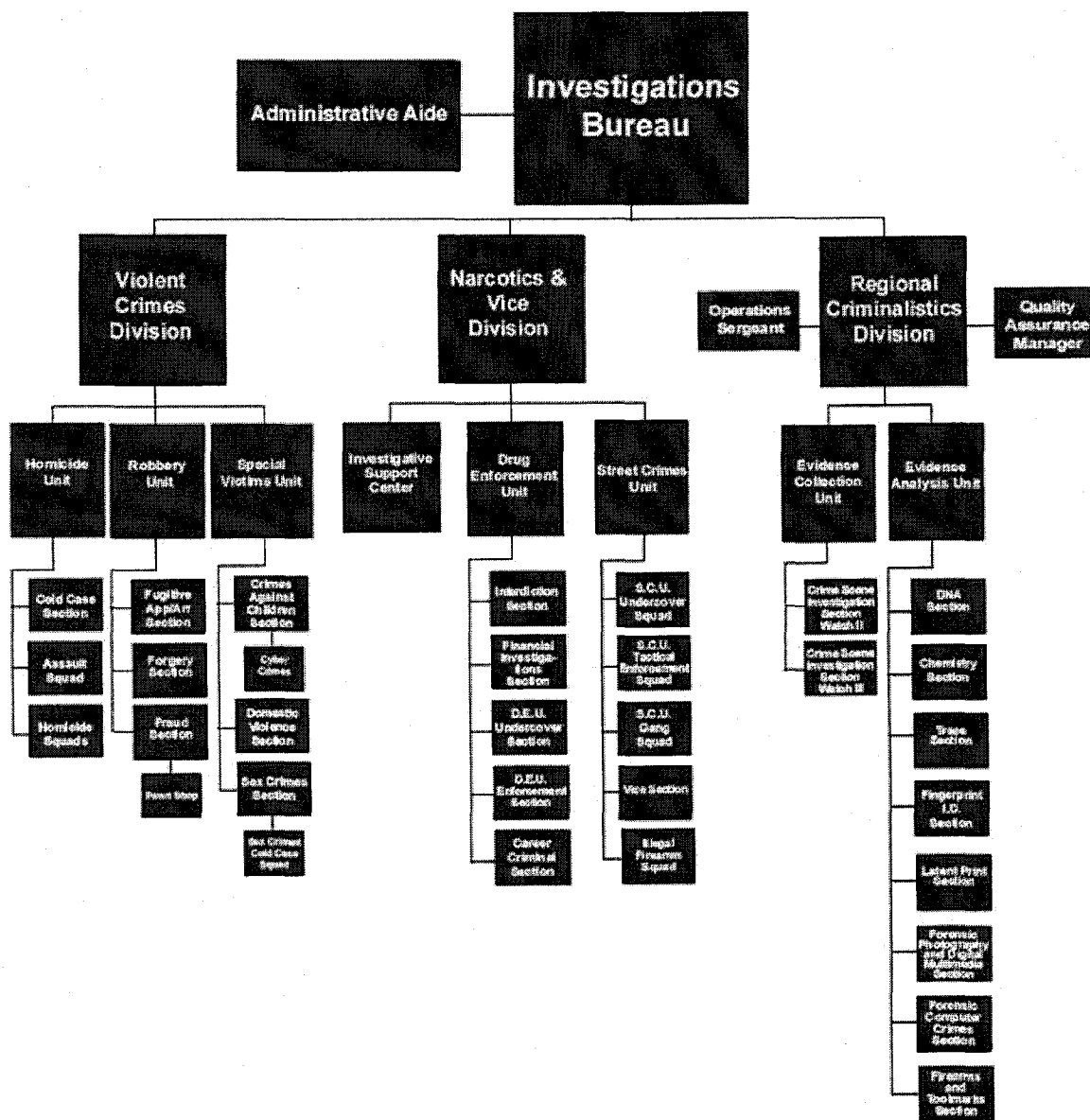
Kansas City Police Department



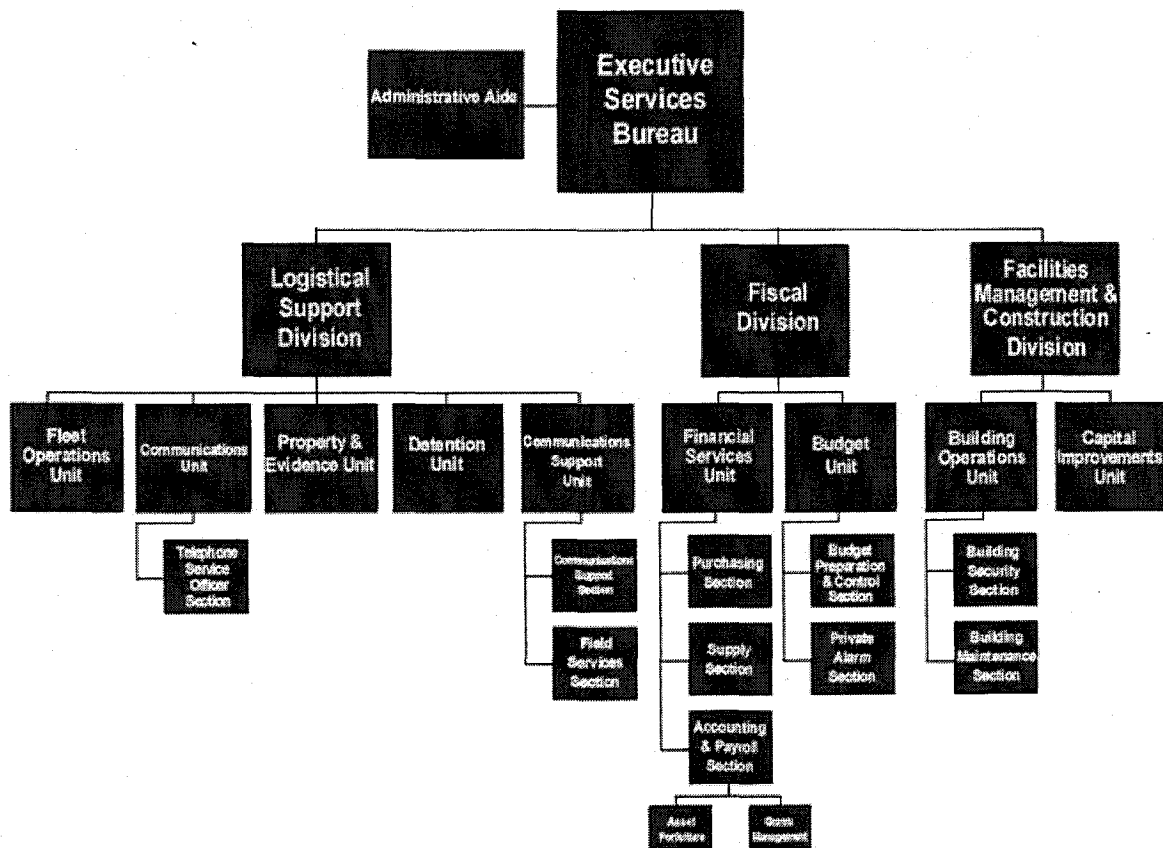
Kansas City Police Department



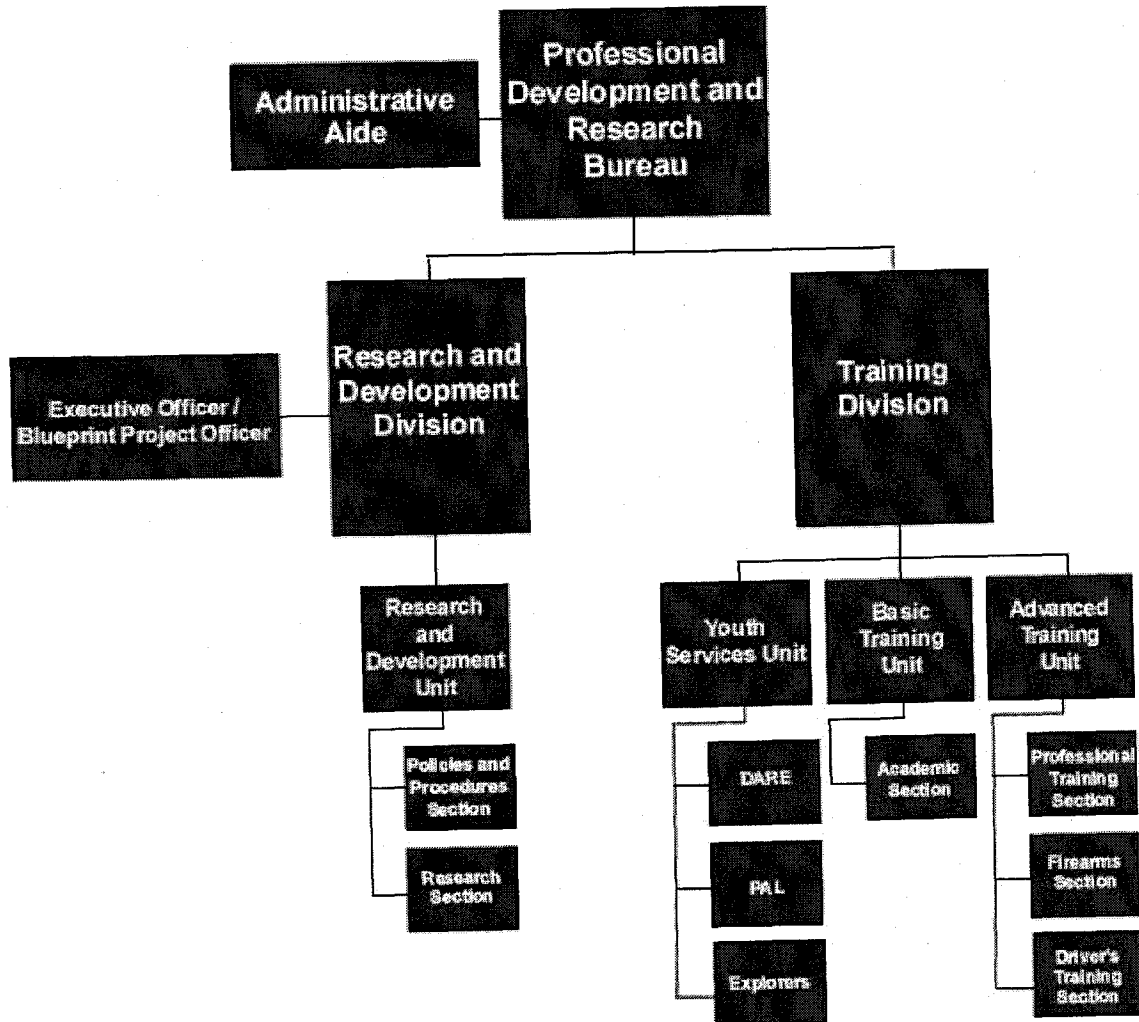
Kansas City Police Department



Kansas City Police Department



Kansas City Police Department



EXECUTIVE SUMMARY

Parma, Ohio – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Parma Police Department (“PPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Parma Police Division Directive 401.18 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the PPD’s statutorily required written policy. The steps that the PPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below.

The Department Policy states that a missing person report will be taken whenever the circumstances indicate that the missing person may be endangered, missing involuntarily, disabled, a catastrophe or accident victim, or there are other such circumstances that warrant police intervention. The Department Policy also requires that the missing person be a Parma resident, or a non-resident only where that person was last seen in Parma and circumstances are suspicious or suggest foul play.

The person making the report should be a relative, spouse, or legal guardian. If such a person is not immediately available, the report may be taken from a person who is a close friend, an employer or co-worker, or someone who has temporary custody of the missing person and a genuine concern for the missing person’s safety. The reporter should sign the report.

The responding officer’s report should include the missing person’s name, age, description, picture if possible, and last known location and possible destination. The report is given to the communications center that will enter the information into the Law Enforcement Automated Data System (“LEADS”) and the National Crime Information Center (“NCIC”).

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

When a missing person is located or returns home, the PPD will remove the person from LEADS and NCIC. Furthermore, PPD will dispatch an officer to the residence to verify the return of the missing person.

Special Circumstances (Elderly or Mental Health Issues)

When a missing person report involves special circumstances additional considerations are taken into account. The Department Policy does not define when special circumstances are present but lists elderly and mental health issues.

In responding to such a report, the first assigned unit should gather information including the subject's state of mind, health issues, history of going missing, general safety, and medications needed. The information is transmitted to other units and the supervisor is advised. Other units are required to check the area with information from the reporting unit. The information should also be transmitted to neighboring cities, although the Department Policy does not provide any further detail.

Dispatch should enter information into LEADS and CRIS as soon as enough information is gathered. The Department Policy also provides a list of aids and resources that should be considered. In determining which resources to use, the PPD considers several factors including, possible foul play, the health/mental condition of the missing person, the need for medical care, outside weather conditions, and the length of time missing.

When a subject is located, all entries into databases will be cancelled and all cities and anyone else that is searching should be notified. A PPD is required to interview the recovered person to determine if there was any criminal activity involved in the disappearance.

Comparison of Requirements for Parma Police Department and Requirements for Cleveland Division of Police

The PPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

As an initial matter, the PPD Department Policy limits when a report will be taken. A missing adult must be endangered, missing involuntarily, disabled, or there must be other circumstances warranting police intervention. The Cleveland Policy does not limit when a report should be taken.

Additionally, the PPD Department Policy states that the report should be made by a relative or spouse of the missing person, although an officer may take a report from a close friend or another who shows a genuine concern for the missing person's safety. In addition, though not required, the reporting person should sign the report.

The PPD Department Policy is vague about when LEADS or NCIC reports should be made. The policy only states that the responding officer will give the report to the communications center so it can be entered.

The PPD Department Policy explicitly states that an officer will be dispatched to the home of a recovered or found person for verification. There is no similar provision in the Cleveland Policy, but based upon ride-alongs and interviews, it is common practice for Cleveland Police to visit a recovered person.

Under exceptional circumstances, the PPD Department Policy does not contain an actual protocol, rather it suggests resources that could be utilized to find the missing person. The Cleveland Policy specifically defines what steps should be taken under special circumstances.

SUMMARY

Parma, Ohio – Requirements Related to Missing Persons

According to the Parma Police Department (“PPD”) 2007 Annual Report, the PPD employs 81 Police Officers. Parma has a population of 80,009, according to the U.S. Census Bureau Estimate for 2006.

Sources of Authority Regarding Parma Police Department Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the PPD must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Parma Police Division Directive 401.18 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the PPD’s statutorily required written policy. The steps that the PPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below.

The Department Policy states that a missing person report will be taken whenever the circumstances indicate that the missing person may be endangered, missing involuntarily, disabled, a catastrophe or accident victim, or there are other such circumstances that warrant police intervention. The Department Policy also requires that the missing person be a Parma resident, or a non-resident only where that person was last seen in Parma and circumstances are suspicious or suggest foul play.

The person making the report should be a relative, spouse, or legal guardian. If such a person is not immediately available, the report may be taken from a person who is a close friend, an employer or co-worker, or someone who has temporary custody of the missing person and a genuine concern for the missing person’s safety. The reporter should sign the report.

The responding officer’s report should include the missing person’s name, age, description, picture if possible, and last known location and possible destination. The report is

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

given to the communications center that will enter the information into the National Crime Information Center database ("NCIC") and the Ohio Law-Enforcement Automated Data System ("LEADS").

When a missing person is located or returns home, the PPD will remove the person from LEADS and NCIC. Furthermore, PPD will dispatch an officer to the residence to verify the return of the missing person.

Special Circumstances (Elderly or Mental Health Issues)

When a missing person report involves special circumstances additional considerations are taken into account. The Department Policy does not define when special circumstances are present but lists elderly and mental health issues.

In responding to such a report, the first assigned unit should gather information including the subject's state of mind, health issues, history of going missing, general safety, and medications needed. The information is transmitted to other units and the supervisor is advised. Other units are required to check the area with information from the reporting unit. The information should also be transmitted to neighboring cities, although the Department Policy does not provide any further detail.

Dispatch should enter information into LEADS and CRIS as soon as enough information is gathered. The policy provides a list of aids and resources that should be considered:

- A Child is Missing
- Reverse 911
- Manpower from the Parma Fire Department
- Use of another city's K-9
- Utilize a helicopter from Cleveland Police or news media
- GPA or other cell phone trace

In determining which resources to use, the PPD considers several factors including, possible foul play, the health/mental condition of the missing person, the need for medical care, outside weather conditions, and the length of time missing.

When a subject is located, all entries into databases will be cancelled and all cities and anyone else that is searching are notified. A PPD officer is required to interview the recovered person to determine if there was any criminal activity involved in the disappearance.

Comparison of Requirements for Parma Police Department and Requirements for Cleveland Division of Police

The PPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

As an initial matter, the PPD Department Policy limits when a report will be taken. A missing adult must be endangered, missing involuntarily, disabled, or there must be other circumstances warranting police intervention. The Cleveland Policy does not limit when a report should be taken.

Additionally, the PPD Department Policy states that the report should be made by a relative or spouse of the missing person, although an officer may take a report from a close friend or another who shows a genuine concern for the missing person's safety. In addition, the reporting person should sign the report, but it is not required.

The PPD Department Policy is vague about when LEADS or NCIC reports should be made. The policy only states that the responding officer will give the report to the communications center so it can be entered.

The PPD Department Policy explicitly states that an officer will be dispatched to the home of a recovered or found person for verification. There is no similar provision in the Cleveland Policy, but based upon ride-alongs and interviews, it is common practice for Cleveland Police to visit a recovered person.

Under exceptional circumstances, the PPD Department Policy does not contain an actual protocol, rather it suggests resources that could be utilized to find the missing person. The Cleveland Policy specifically defines what steps should be taken under special circumstances.



Parma Police Department

Policy, Procedures and Rules Manual

❑ MISSING PERSON

Policy Number: OP 22

Revision Date: 8 April 09

Reference: ORC 2901.30

Distribution: All Officers, Records Division, Safety, Communications, Law Department

I. Purpose

To provide guidelines for taking a report of a missing person.

II. Policy

All missing person reports will be investigated thoroughly and quickly. Any reports of missing children will be handled as a priority investigation.

III. Procedure

A. Missing Person - Adult

1. A missing person report will be taken whenever the circumstances indicate that the missing person may be endangered, missing involuntarily, disabled, a catastrophe or accident victim, or other such circumstances that warrant police intervention and the person is a Parma resident. A relative, spouse, or legal guardian should make the report. If, however, a relative or guardian is not immediately available then the report may be taken from a person who is a close friend, an employer or co-worker, or someone who has temporary custody of the missing person and a genuine concern for the person's safety. The person supplying information to the reporting officer should sign the report the investigating officer will inform the guardian to contact the Parma Police Department when a missing person has returned home.
2. The officer will obtain the missing person's name, age, description, picture if possible, and last known location and possible destination as soon as possible. The report will be given to the communications center that will enter it into LEADS/NCIC.

Missing Person (continued)

B. Missing Person - Minor

1. A missing person report will be taken on any person reported missing who is under the age of eighteen, un-emancipated and a Parma resident. The investigating officer should obtain information from the minor's parent or legal guardian. The officer should also inquire if the missing minor has an original set of fingerprints available. If available both picture and fingerprints should be made part of the missing person report. This report will be entered into LEADS/NCIC within 12 hours of the officer arriving on scene. If the minor has been missing more than 30 days, the Detective Bureau should obtain dental records for entry into LEADS per ORC. 2901.30 section F.
2. A supervisor will be notified involving serious crimes of kidnapping, child abduction or any serious felony involving a missing minor to determine what type of investigation will be conducted and search if needed.

C. Parmadale Missing Person

1. Parmadale staff will fill out a missing person case report when a juvenile has run away from the facility. The officer dispatched to the complaint will pick up the report from Parmadale staff. The officer will review the report for completeness and make whatever corrections/additions necessary to complete the report. He will also affix his signature at the bottom of the report. The completed report will be returned to the communications center so that it will be entered into LEADS/NCIC.
2. When a missing juvenile has returned, Parmadale staff will call the Parma Police Department advising us of the return. The staff member will verify his/her identity to the police dispatcher using the code UCR-25. Dispatch will remove the found runaway from the computer and forward any information to the juvenile officer's.

D. Missing Person Located

1. Whenever a reported missing person has returned home our department will remove this person from LEADS/NCIC. Our department will dispatch an officer to the residence to verify the return of the missing person for both juveniles and adults. Juvenile runaways from Parmadale will be verified via a phone call and a code given to our communications center.

E. Non Parma Resident

1. A missing person report may be taken for a non-Parma resident if a person was last seen in Parma AND circumstances are suspicious or suggest foul play.

OP 22-2
Addendum 1

Missing Persons-Special Circumstances (Elderly or Young or Mental/Health Issues)

1. First assigned unit should respond directly to the scene to access the situation, gather and transmit information to other units, get information for a report and advise the supervisor. Information gathered should include:
 - Subjects state of mind,
 - Health issues,
 - History of going missing, past destinations, habits, etc,
 - General safety of being on his own,
 - Last and next medications are needed.
2. Other units should check the area with information from reporting unit. In the case of a young subject, two units should check the residence for a possible hiding subject.
3. As soon as information is gathered/transmitted to units also advise neighboring cities via telephone (including RTA in case public transportation is utilized). Also if there is a possible destination-that city should be advised.
4. As soon as enough information can be given to Dispatch, a Teletype should be sent out via LEADS/CRIS.
5. When there is sufficient information to complete a Missing Person Case Report, it should be filed and the subject will be entered into LEADS as missing.
6. While searching for the subject any or all of the following aids should be considered/used:
 - A Child Is Missing (if during the accepted time period and fits the parameters),
 - Reverse 911,
 - Call out PFD for manpower and FLIR.
 - Get a K-9 from another city,
 - Contact news media to broadcast information-call 762,
 - Utilize a helicopter from CPD/news media (possibly with FLIR)-Call 216-623-5723 CPD Dispatch Supervisor,
 - Aux. Police for additional search,
 - CERT for additional personnel,
 - Amber Alert if criteria are met,
 - CART when it becomes available,
 - GPS or other cell phone trace.

OP 22-3
Addendum 1

7. The following should be taken into consideration when deciding which resources to utilize and when to utilize them:
 - Possible foul play,
 - The overall health/mental condition/maturity of the subject,
 - The need for medical care or medicine,
 - The outside weather conditions (temperature, extreme sun or snow, darkness etc.),
 - The clothing worn by the subject vs. the weather,
 - The length of time since the subject was last seen.
8. If all of these fail and the search is called off, the information should be passed on to subsequent shifts for special attention, and possibly resuming the search when conditions are more favorable or updated information is received.
9. When the subject is located all teletypes should be cancelled and all cities notified as well as anyone else who may be searching. The subject should be interviewed by an officer to determine if there was any criminal activity involved in his disappearance or during his absence-if possible.

EXECUTIVE SUMMARY

Philadelphia, Pennsylvania – Requirements Related to Missing Persons

Introduction

The Philadelphia Police Department (the “PPD”) is subject to limited requirements under state law and is required to adhere to its written policy (the “PPD Policy”) regarding handling reports of missing persons.

State Law Requirements

Pennsylvania statutory law (the “Statutory Requirements”) does not explicitly impose any requirements on local law enforcement agencies with respect to handling reports of missing adults. However, local law enforcement agencies are required to follow the guidelines set forth by the Pennsylvania State Police with respect to Pennsylvania’s Commonwealth Law Enforcement Assistance Network (“CLEAN”). The PPD, as evidenced by its voluminous written policy, the PPD Policy, for handling missing persons cases, provides its officers with a great level of specificity as to what procedures to follow.

Local Requirements

The PPD Policy sets forth a system for categorizing missing persons cases, clarifies who may make reports, and outlines the procedures to be conducted initially upon receipt of a missing persons report and beyond. In addition, the PPD Policy imposes requirements on the PPD related to proper reporting procedures. The PPD Policy also establishes procedures for follow-up investigations, closing cases, proper use of computer registers, and more.

Comparison between Requirements Imposed on Philadelphia Police Department and Requirements Imposed on Cleveland Division of Police

Unlike the Cleveland Division of Police (“CPD”), the PPD is not subject to many requirements imposed by state law.

The PPD Policy stipulates that the PPD will only accept missing persons reports from responsible adults closely connected to the missing person. The PPD also differs from the CPD by virtue of having formulated different categories of missing persons: disabled persons, persons involuntarily missing, endangered persons, juveniles, victims of catastrophe, elderly persons, etc.. The PPD, unlike the CPD, also requires that a thorough visual and physical check is conducted of the missing person’s residence and vehicles.

The PPD re-interview the people who reported that an individual was missing within 72 hours after the initial visit and once a week for a minimum period of one month from the reported date of appearance. In addition, the PPD records information about each person contacted during investigation on supplemental reports.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

The PPD has a missing person unit, the Long Term Missing Person ("LTMP") of the Special Victims Unit that acts as the central depository for investigative files on all persons missing more than 30 days. LTMP investigators work with divisional investigators, the National Center for Missing and Exploited Children, Town Watch, outside police agencies, medical examiners, and others to locate all missing persons. The LTMP consists of three officers and has been characterized as "70% investigative" by the PPD.

The PPD also differs from the CPD by having a policy in place if a missing person is located and states their absence was voluntary. In that instance, an officer will request the person to accompany them to the appropriate police district to clear the National Crime Information Center entry. If the person refuses, it is under the discretion of the District or Detective Lieutenant to decide whether to release the person or transport them to the appropriate police district.

The PPD also differs from the CPD by requiring the Operation Rooms Supervisor to check names listed on missing persons bulletins against defendants slated on the arrest register. These bulletins are created by the Philadelphia Crime Information Center and contain information about individuals who have been missing for over 30 days. The bulletins are mass printed and distributed to each patrol district.

SUMMARY

Philadelphia, Pennsylvania – Requirements Related to Missing Persons

Background Information on Philadelphia and the Philadelphia Police Department

The Philadelphia Police Department (the “PPD”) has 6,764 police officers that serve Philadelphia’s population of 1,441,117. See Crime in the United States, 2008, an FBI report available online. In 2009, 1,430 adults were reported missing to the PPD. See Attachment to PPD Policy. In 2010, as of January 13, 2010, 56 adults have been reported missing. Id.

Sources of Authority Regarding Philadelphia Police Department Policies Related to Missing Persons

Pennsylvania statutory law (the “Statutory Requirements”) does not explicitly impose any requirements on local law enforcement agencies with respect to handling reports of missing adults. However, local law enforcement agencies are required to follow the guidelines set forth by the Pennsylvania State Police with respect to Pennsylvania’s Commonwealth Law Enforcement Assistance Network (“CLEAN”). The PPD, as evidenced by its voluminous written policy (the “PPD Policy”) for handling missing persons cases, provides its officers with a great level of specificity as to what procedures to follow. The system as codified in the PPD Policy is outlined below. All sources referenced in this Summary are attached.

Commonwealth Law Enforcement Assistance Network Requirements

CLEAN is a statewide computerized information system that acts, among other functions, as Pennsylvania’s conduit to the National Crime Information Center (“NCIC”). Local law enforcement agencies have the capability to enter missing persons files into CLEAN/NCIC, where they are categorized, along with certain other kinds of files, as “hot files.” In the context of a missing person, a hot file takes the form of a missing person report. If the missing person is not under 21, the documentation must also include a written statement from an adult confirming that a person is missing. If a hot file is no longer valid, it must be removed immediately. Any agencies using CLEAN must validate their hot files on a monthly basis, meaning that they must make sure that hot files are complete, accurate, and up-to-date.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Philadelphia Police Department Policy

I. General Policy and Missing Person Categories

The PPD has a missing persons unit, the Long Term Missing Persons Section ("LTMP") of the Special Victims Unit (the "SVU"), responsible for handling missing persons cases for people missing 30 days or longer. The LTMP consists of a lieutenant and two other offices, one for missing adults and one for missing children. The LTMP has been characterized by the PPD as 70% investigative, 30% administrative.

The PPD accepts reports of missing persons from any responsible adult, which includes parents, physicians, legal guardians, next of kin, etc., who is "closely connected" to the missing person. When in doubt, the report must be taken.

The PPD recognizes the following categories of missing persons, formulated by the FBI and adopted by the Pennsylvania State Police for entry of missing persons into NCIC and CLEAN:

- Disabled persons (a person of any age who is missing and is proven to be physically or mentally disabled, or senile)
- Persons involuntarily missing (a person of any age who is missing under circumstances indicating that the disappearance was not voluntary)
- Endangered person (a person of any age who is in the company of another person under circumstances indicating that their physical safety is in danger)
- Juvenile
- Catastrophe (a person of any age who is missing after a disaster)
- Other (a person over 18 who does not fall into any of the other categories)
- Elderly persons
- All people who are mentally impaired, regardless of age

It is the duty of the Detective Division Supervisor to determine the category into which a reported missing person belongs.

Whenever an NCIC inquiry is made concerning an adult, and the inquiry lists the person as missing, the District or Detective Division Lieutenant must decide if further investigation is warranted. All adult missing person information must be entered into the Philadelphia Crime Information Center ("PCIC") system by the assigned investigator unless the investigative supervisor authorizes immediate NCIC entry. All persons under 21 years of age are automatically entered into PCIC and NCIC systems. When conducting follow-up interviews, the assigned investigator must attempt to identify facts which support or negate the missing person categories.

II. Reporting

A. *Uniform Personnel*

Uniform personnel in the district of occurrence¹ must prepare a complaint and record the name of the missing person in the block marked "Complainant." Under "Details," they must record the name, telephone number, address and email address of the individual reporting the missing person and the phrase "Refer to Missing Person Report." The officer completing the report must sign his name to the report, and the report must be filled out completely with no blocks left blank.

It is not necessary to transport the individual who reports a person missing to the district of occurrence for the purpose of completing the required reports. Uniform personnel should check with the Operations Room Supervisor (the "ORS") by telephone from the scene. They should give flash information to Police Radio including physical description of the missing person; clothing worn; where, when, with whom, and by whom the missing person was last seen. They should also ensure a thorough visual and physical check of the missing person's residence is conducted, as well as any vehicles (including trunks, closed compartments, etc.) on location.

B. *District Operations Room Supervisor Responsibility*

The ORS must require persons reporting disappearances in person (walk-ins) to sign their full name, in ink, in a block on the report captioned "Absence Reported By" on the work copy of the Missing Person Report. The ORS must type that person's name in the same block above the signature, and sign their approval, in ink, in the space marked "Signature of Supervisor." The ORS also must check the accuracy of the information from the person reporting a person missing when contacted by the reporting officer from the scene via phone.

The ORS also must ensure that each missing person reported has a separate complaint number and ensure that the incident information is entered into the Incident Transmittal System ("INCT") and the Police Integrated Information Network ("PIIN") systems in a timely fashion. They must also give the prepared work copy of the Missing Person Report to the assigned investigator.

In instances where the person reported missing is placed into the disabled, persons involuntarily missing, endangered person, elderly person, or mentally impaired categories, the ORS must:

- Ensure flash information has been given to Police Radio, including physical description of missing individual; clothing worn; where, when, with whom and by whom last seen.
- Send a computerized Complaint or Incident Report to the respective investigating unit. Non-family member abductions must be handled by the SVU, all others by pertinent Detective Division.

¹ "District of occurrence" is not defined in the PPD Policy.

- Ensure that the investigative unit is also notified via phone and forward any other additional information at that time.
- Record all actions taken on the Daily Complaint Summary.

All missing persons are presumed missing from their home residence.

III. Missing Adults

The following are responsibilities of the Detective Supervisor:

- When a computer printout of the Complaint or Incident Report of a missing person is received:
 - Immediately assign an investigator to interview the individual reporting the missing person.
 - Transmit (via computer terminal) acknowledgment of receipt of the computerized incident report.
 - Ensure a General Radio Message is sent when appropriate.
- Following an investigation, the Detective Supervisor must ensure that the person is not classified as missing when the investigation discloses no unusual or suspicious circumstances and the missing person is believed to be of sound physical and mental health, is over 21 years of age, and is absent for any of the following reasons:
 - Domestic discord
 - Parental discipline
 - Desire to be self supporting
 - Financial or personal problems
 - Evasion of arrest or service of legal process
- Ensure that the investigation of above identified cases is closed out by the investigator on the computerized Missing Person Cancellation Report and the required interviews be submitted on the standard form.
- Ensure that a periodic follow-up by the assigned investigator is made with the person reporting the absence to determine if the subject has returned voluntarily.
- Ensure transmission of all additional messages and entry of the missing person's information into the PCIC/NCIC system by the assigned investigator.
- Check that all action taken by the investigator was proper prior to approving and signing report.
- Coordinate investigation with other units.
 - When the missing person was last seen in another Detective Division other than the person's residence, the division receiving the initial report must assign a detective to assist in the investigation.

- Missing persons from outside Philadelphia but who are believed to be in Philadelphia must be investigated by the pertinent Detective Division.

Investigators have the following responsibilities:

- Conduct an intensive investigation including the applicable responsibilities.
- Check federal, state, and county detention facilities.
- Interview family physicians or medical advisors to determine the status of the subject's physical or mental health. Check the appropriate hospitals as indicated by the investigation for emergency treatment or admission.

The PPD also has an established protocol for dealing with elderly and/or mentally impaired missing persons. There is also an established protocol, Project Lifesaver, for dealing with missing persons cases involving people suffering from autism, Down's syndrome, Alzheimer's disease, and other dementia type disorders.

IV. Follow-Up Investigations

Detective Division Supervisors must check that the assigned investigator:

- Re-interviews the person who reported the absence within 72 hours after the initial visit and once a week for a minimum period of one month from the reported date of disappearance.
- Records each contact on a Supplemental Report with any additional information and investigative action noted.
- Acts as a liaison with other investigative units or agencies.

The following are responsibilities of the LTMP:

- Receive from the pertinent Detective Division a copy of the investigative file on all persons missing more than 30 days.
- Central depository for investigative files on all persons missing more than 30 days.²
- Conduct the appropriate follow-up investigations independent of the Detective Divisions.
- Shall act as a central repository and archive for files of adults and juveniles missing more than 30 days. Incomplete files must not be accepted and must be returned to the Detective Division of occurrence for completion.
- The LTMP must follow-up on all subsequent tips and investigate leads and must update the folder(s) accordingly. LTMP investigators must work in conjunction with divisional investigators, the National Center for Missing and Exploited Children, community groups, Town Watch (unpaid citizens who

² It is ambiguous to what activity the PPD Policy is referring here.

- volunteer to assist police), uniform police, outside police agencies, medical examiners and others to locate all missing persons.
- The LTMP must check the Data Processing Missing Person register and reconcile it with Detective Divisions to ensure that all cancellations are entered and that the register actually reflects persons who are still missing.
- The LTMP must respond to out-of-jurisdiction requests for follow-up assistance in locating missing persons from outside Philadelphia.

V. Missing Persons Located

When a missing person is located, uniform personnel should request an NCIC/PCIC inquiry from Police Radio. Upon confirmation that the individual is a reported missing person, police personnel should prepare a Complaint or Incident Report using a new DC# and transport the missing person to the Detective Division of Occurrence. All other references should be to the original DC# of the missing person report. The PPD Policy provides the following imperative to personnel if the located missing adult was categorized as a person involuntarily missing or an endangered person:

- If the located missing adult . . . states that the reason for absence was voluntary and that he/she is not in danger, request the person to accompany you to the Detective Division of Occurrence to clear the NCIC entry. If the located person refuses, notify the District or Detective Lieutenant, who must determine whether the person is to be released or transported to the pertinent Detective Division. If the person is released at the scene, record action on the [appropriate form].

VI. Closing Cases

Upon locating a missing person, assigned investigators shall interview the person and ascertain all pertinent information concerning their whereabouts during the absence and close the case using the computerized pre-formatted Missing Person Cancellation. If a missing person returns after the initial form is prepared by district personnel, but before the assigned investigator enters the computerized Missing Person Report, a Supplemental Investigation Report is not required. If the assigned investigator is not available, the on-duty divisional detective supervisor must assign another investigator to conduct and document the interview.

A Supplemental Report should be prepared for:

- Results of interview of located missing person — when pre-formatted Missing Person Cancellation is insufficient to record obtained information.
- Status Reports - results of follow-up investigation (prior to location/return of the missing person).

VII. Messages

The assigned investigator must have the approval of the ranking Detective Division Supervisor present before sending any out-of-town messages or entering any missing adult (over 21) information into NCIC.

VIII. Out-of-Town Missing Persons Cases

Detective Headquarters must determine what action is to be taken on all requests by out-of-town law enforcement agencies seeking information regarding missing persons. After normal business hours, the Command Inspections Bureau must determine what action is to be taken on all requests by out-of-town law enforcement agencies seeking information regarding missing persons.

IX. Missing Person Bulletins and Circulars

A. *Missing Person Bulletins*

The PCIC produces missing persons bulletins that contain information about individuals who have been missing for over 30 days. The bulletins are mass printed and distributed to each patrol district. The ORS on each tour of duty must:

- Check names listed on Missing Person Bulletins against defendants slated on the Arrest Register.
- Check local computer messages for unidentified, dead, injured, or amnesia victims.
- Ensure daily delivery by patrol personnel of Missing Person Bulletins to every hospital, prison, YMCA, Salvation Army Shelter, and similar institutions within the districts.

B. *Missing Person Circulars*

The pertinent Detective Division is responsible for the actual preparation and distribution of circulars.

C. *Closed Circuit Television Coverage*

The ranking supervisor in the pertinent Detective Division must contact the corresponding Inspector for approval when Closed Circuit Television ("CCTV") coverage is requested. After this information is personally reviewed and approved by the Detective Inspector, it must then be taken to the supervisor of the Audio-Visual Unit for CCTV transmission.

X. Distribution of Reports

The PPD Policy also lays out the process followed for distributing the Complaint or Incident Report, missing person report, missing person computerized printout, and supplemental investigation form.

XI. Computer Registers

The Data Processing Unit must forward to the Commanding Officer of each Detective Division and the SVU a register of all missing persons in PCIC on a monthly basis. This register must also note any PCIC entries that are also in NCIC. The pertinent Commanding Officers must ensure the verification and accuracy of the information on these registers.

Comparison between Requirements for Philadelphia Police Department and Requirements for Cleveland Division of Police

Unlike the Cleveland Division of Police (the "CPD"), the PPD is not subject to many requirements imposed by state law.

The PPD Policy stipulates that the PPD will only accept missing persons reports from responsible adults closely connected to the missing person. The PPD also differs from the CPD by virtue of having formulated different categories of missing persons: disabled persons, persons involuntarily missing, endangered persons, juveniles, victims of catastrophe, elderly persons, etc.. The PPD, unlike the CPD, also requires that a thorough visual and physical check is conducted of the missing person's residence and vehicles.

The PPD re-interviews the people who reported that an individual was missing within 72 hours after the initial visit and once a week for a minimum period of one month from the reported date of appearance. In addition, the PPD records information about each person contacted during investigation on supplemental reports.

The PPD has a missing person unit, the LTMP of the SVU, that acts as the central depository for investigative files on all persons missing more than 30 days. LTMP investigators work with divisional investigators, the National Center for Missing and Exploited Children, Town Watch, outside police agencies, medical examiners, and others to locate all missing persons. The LTMP consists of three officers and has been characterized as "70% investigative" by the PPD.

The PPD also differs from the CPD by having a policy in place if a missing person is located and states their absence was voluntary. In that instance, an officer will request the person to accompany them to the appropriate police district to clear the NCIC entry. If the person refuses, it is under the discretion of the District or Detective Lieutenant to decide whether to release the person or transport them to the appropriate police district.

The PPD also differs from the CPD by requiring the ORS to check names listed on missing persons bulletins against defendants slated on the arrest register. These bulletins are created by the PCIC and contain information about individuals who have been missing for over 30 days. The bulletins are mass printed and distributed to each patrol district.



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 51
(02-03-06)**

SUBJECT: MISSING PERSONS

I. POLICY

- A. A report of a missing person will be accepted by personal interview from responsible adults (parents, physician, legal guardian, next of kin over the age of 18, etc.) closely connected with the subject.
 - B. The determination of the category of reported missing persons will be made by a Detective Division Supervisor. When in doubt, the report will be taken.
 - C. Whenever a National Crime Information Center (NCIC) inquiry is made concerning an adult, and the inquiry lists the person as missing, the District or Detective Division Lieutenant will decide if further detention or investigation is warranted.
 - D. All adult missing person information will be entered into the PCIC system by the assigned investigator unless the investigative supervisor authorizes immediate NCIC entry.
 - E. All persons under 21 years of age will automatically be entered into PCIC and NCIC systems.
 - F. When conducting the follow-up interviews, the assigned investigator will attempt to identify facts which support or negate the missing person categories.
 - G. All personnel will be guided by the instructions in Computer Training Bulletin 97-03, "Incident Transmittal System (INCT) and the Police Integrated Information Network (PIIN) Users Guide when documenting police action and processing the resulting paperwork.
-

II. MISSING PERSON CATEGORIES

- A. The following categories have been formulated by the Federal Bureau of Investigation and adopted by the Pennsylvania State Police as criteria for entry of missing persons into NCIC and CLEAN systems.
 - 1. **DISABLED PERSONS** - A person of any age who is missing and is proven to be physically or mentally disabled, or is senile, thereby subjecting themselves or others to immediate danger.

2. **PERSONS INVOLUNTARILY MISSING** - A person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., abducting or kidnapping.

NOTE: In the case of abducted child, 18 and under, an "Amber Alert" should be initiated. Refer to Appendix "B".

3. **ENDANGERED PERSON** - A person of any age who is in the company of another person under circumstances indicating that their physical safety is in danger.
4. **JUVENILE** - A person under 18 years of age who is missing and declared unemancipated as defined by the laws of their state of residence and does not meet any of the criteria set forth in 1, 2, 3, or 5.
 - a. Juveniles who are married or declared adults by court order are emancipated and will be investigated relative to the criteria set forth in 1, 2, 3, or 5.
 - b. Tender age is defined as any juvenile under 10 years of age, subject to modification by the assigned investigator.
5. **CATASTROPHE** - A person of any age who is missing after a disaster.
6. **OTHER** - A person over the age of 18yrs not meeting the criteria for entry in any other category but who is missing and for whom there is reasonable concern for his/her safety. This category includes all persons between 18 and 21 years of age as per the federal Suzanne's Law.
7. **ELDERLY PERSON** - 65 year of age or older where there is a medical diagnosis or history of senility, dementia or diminished mental capacity.
8. All persons who are **MENTALLY IMPAIRED**, regardless of age.

III. REPORTING

A. Uniform personnel in District of Occurrence

1. Prepare a Complaint and Incident Report (75-48)
 - a. Record the name of the missing person in the block marked "Complainant."
 - b. Under "Details," record the name, telephone number, address and email address of the individual reporting the missing person and the phrase "Refer to Missing Person Report (75-74A)."

*1

NOTE: In the case of a suspected child abduction, determine if an "Amber Alert" should be initiated and notify a district supervisor immediately. Refer to Appendix "B".

2. Complete a work copy of the Missing Person Report (75-74A). Have the individual reporting the missing person sign the work copy in the "Absence Reported By" block.

NOTE: The report must be filled out completely with no blocks left blank.

- a. It is not necessary to transport the individual who reports a person missing to the district of occurrence for the purpose of completing the required reports.
- b. Check with the Operations Room Supervisor by telephone from the scene, except when a tender age child is involved. In these cases, a uniformed district supervisor will be summoned to the scene. Refer to Appendix "A".

NOTE: When a Tender Age Search is involved, the uniform supervisor at the scene will contact the Detective Division by telephone/radio, relaying pertinent facts and establishing a radio patrol car as a communications vehicle pending the arrival of the assigned investigators and the Detective Supervisor.

- (1) Give flash information to police radio including physical description of the suspect; clothing worn; where, when, with whom, and by whom the suspect was last seen.
- (2) Ensure a through visual and physical check of the missing subject's residence is conducted, as well as any vehicles (including trunks, closed compartments, etc.) on location.

B. District Operations Room Supervisor (ORS) Responsibility

1. Require persons reporting disappearances in person (walk-ins) at the district to sign full name (in ink) in block captioned "Absence Reported By" on the work copy of the Missing Person Report (75-74A).
 - a. Type name in the same block above signature.
 - b. Sign approval, in ink, in space marked "Signature of Supervisor."
2. Check accuracy of the information from person reporting a subject missing when contacted by the reporting officer from the scene via phone.

3. Ensure that each missing person reported has a separate DC# Number.
4. Ensure that the incident information is entered into the INCT and PIIN systems in a timely fashion.
5. Give the prepared work copy of the Missing Person Report (75-74A) to assigned investigator. This report must be filled out completely and legibly.
6. In instances where the missing person falls under criteria category 1, 2, 3, 7 or 8 (Section II-A), or is under 10 years of age (Tender Age):
 - a. Ensure flash information has been given to police radio, including physical description of subject; clothing worn; where, when, with whom and by whom last seen.
 - b. Send a computerized Complaint or Incident Report (75-48) to the respective investigating unit. Non-family member abductions will be handled by the Special Victim's Unit, all others by pertinent Detective Division.
 - c. Ensure that the investigative unit is also notified via phone and forward any other additional information at that time.
 - d. Record all actions taken on the Daily Complaint Summary (75-67).
7. All missing persons are presumed missing from their home residence. The report classification will be in accordance with the Philadelphia Police Department Incident Classification Manual (3500 Series).

EXCEPTION: Juveniles who are court committed, fall into either of two categories: delinquent or dependent. A juvenile who has been designated a 'delinquent' has been adjudicated by a juvenile court for a criminal offense; a 'dependent' juvenile acquires this designation for non-criminal (status) offenses or social needs. Juveniles falling into either category will be considered missing from the location of their placement (foster home, etc.) and not their original residence. The assigned investigator will communicate with the missing person team of the detective division of the original residence and request information, and assistance if necessary.

- a. When a court-committed 'delinquent' juvenile is reported missing from within Philadelphia, the Complaint or Incident Report (75-48) will be coded 2639 - Escaped Prisoner.

8. Ensure that all district level updated information is entered into the INCT system and PIIN system in a timely fashion.
-

IV. MISSING JUVENILES

A. Detective Supervisor Responsibility

1. When computerized Complaint or Incident Report (75-48) printout of missing person is received:
 - a. Assign an investigator to interview, in person, the individual reporting a missing juvenile as soon as possible.
 - b. Transmit (via computer terminal) acknowledgment of receipt of Complaint or Incident Report (75-48), along with control number and name and badge number of assigned investigator to reporting district.
2. Ensure the entry of the juvenile, as well as any person between the ages of 18-21 (Suzanne's Law), into PCIC/NCIC system.
 - a. The name, date of birth, sex, race, height, weight, eye and hair color and all other required information of the child.
 - b. The date and location of the last known contact with the child.
 - c. The category under which the child is reported missing.
 - d. No later than 60 days after the original entry of the record into the PCIC/NCIC computer networks, verify and update such record with any additional information, including, where available, medical and dental records.
3. Determine missing person category after conferring with assigned investigator and ensure that any classification code changes are entered into INCT and PIIN.
4. When a child under 10 years old (Tender Age) is reported missing:
 - a. Ensure a General Radio Message (GRM) has been sent city-wide and is broadcasted every 20 minutes for the first 24 hours, then once per hour after that.

- b. Complete information will be disseminated without delay to ensure that these cases are made a major concern to all police personnel. Ensure a General Computer Message is sent to all "All Commanding Officers" including information contained in the GRM, the GRM number and any other pertinent information.
 - c. The ranking supervisor of the Detective Division will have a photograph of the missing child telecast over the Department's CCTV system until the child is located.
 - d. Refer to Appendix "A", Tender Age Search Procedure.
6. Ensure transmission of all additional messages.
- B. Detective Division Investigator Responsibilities:
- 1. Interview in person, the person reporting the missing person and verify the reported information.
 - 2. Obtain a photograph of the missing person.
 - 3. Request the reporting person to preserve possible DNA evidence (i.e.: toothbrush, hairbrush, hat, etc.), medical and dental records, and other identification pictures in the event that it is needed for future comparison.
 - 4. Send GRM and request it repeated every 20 minutes for the first 24 hours, then once per hour after that.
 - a. Send a General Computer Message is sent to all "All Commanding Officers" including information contained in the GRM, the GRM number and any other pertinent information.
 - 5. Ensure that computerized Missing Person Report (75-74) is entered into PIIN.
 - a. Check "Yes" on the NCIC block of the PIIN computer display.
 - b. Enter an individual computerized Missing Person Report (75-74) into PIIN for each missing person using a separate District Control Number for each.
 - 6. Prepare and distribute required Supplemental Reports (75-52s).
 - 7. Interview relatives and others who may aid in locating a missing juvenile.
 - 8. Check locations habitually frequented by missing juveniles.

9. Check Criminal Record Files and Arrest Information System (ARIS).
 10. Check computer messages for reports of unidentified injured persons.
 11. Check with Medical Examiner's Office to ascertain if an unidentified body fitting the missing person's description has been located.
 12. Check all Juvenile Detention facilities, including the Youth Study Center, Department of Human Services, etc.
 13. Check with Family Court to determine if the juvenile was committed to an institution on order of Family Court Judge.
 14. Check schools to interview friends, teachers, counselors, etc.
 15. Check the Megan's Law Offender Registry or with the Megan's Law officer at the Special Victims Unit (SVU) for potential suspects in the abduction.
 16. Transmit all additional messages after receiving supervisor's approval.
-

V. MISSING ADULTS

A. Detective Supervisor Responsibilities:

1. When a computer printout of Complaint or Incident Report (75-48) of a missing person is received:
 - a. Immediately assign an investigator to interview the individual reporting the missing person.
 - b. Transmit (via computer terminal) acknowledgment of receipt of the computerized 75-48.
 - c. Ensure a GRM is sent when appropriate.
2. Following an investigation, the Detective Supervisor will ensure that the person is not classified as missing when the investigation discloses no unusual or suspicious circumstances and the missing person is believed to be of sound physical and mental health, is over 21 years of age, and is absent for any of the following reasons (Code 3507):
 - a. Domestic discord
 - b. Parental discipline

- c. Desire to be self-supporting
 - d. Financial or personal problems
 - e. Evasion of arrest or service of legal process
3. Ensure that the investigation of above identified cases is closed out by the investigator on the computerized Missing Person Cancellation Report (75-52MP) and the required interviews be submitted on the standard 75-52.
 4. Ensure that a periodic follow-up by the assigned investigator is made with the person reporting the absence to determine if the subject has returned voluntarily.
 5. Ensure transmission of all additional messages and entry of the missing person's information into the PCIC/NCIC system by the assigned investigator.
 6. Check that all action taken by investigator was proper prior to approving and signing report.
 7. Coordinate investigation with other units.
 - a. When the missing person was last seen in another detective division other than the person's residence, the division receiving the initial report will assign a detective to assist in the investigation.
 - b. Missing persons from outside Philadelphia but who are believed to be in Philadelphia will be investigated by the pertinent detective division. (i.e. to where the person was last known to be enroute.)

B. Investigator Responsibility

1. Conduct an intensive investigation including the applicable responsibilities as listed in Section IV-B of this directive.
2. Check Federal, State, and County detention facilities.
3. Interview family physician or medical advisor to determine status subject's physical or mental health. Check the appropriate hospitals as indicated by the investigation for emergency treatment or admission.

C. Elderly and/or Impaired Missing Persons Protocol

1. Detective Commanders will ensure that a response consistent with a 'Tender Age' situation is implemented upon receiving a missing person report involving the following:

- a. Elderly person (age 65 or older) where a medical diagnosis or history of senility, dementia or diminished mental capacity suggests that the missing person is at an increased risk.
 - b. All persons who are mentally impaired, regardless of age.
2. Divisional Detective(s) and Supervisor will immediately respond to the scene and interview the reporting person(s). Confirm the identifying information and condition of the missing person.
- a. Ascertain whether the missing person has Alzheimer's disease and is registered with the Alzheimer Association's Safe Return Program, as appropriate. If so, determine whether the person was wearing a Safe Return wristband or necklace and that the complainant provides the Safe Return identification number. If the identification number is unknown, the assigned investigator will phone the Alzheimer's Association at (800) 272-3900 to obtain the number and any other information the Association has on the missing person. (This program requires a one time \$40 enrollment fee from the family.)
 - b. Interview other pertinent family members, witnesses, and conduct neighborhood surveys.
 - c. Inform the Detective Division Commanding Officer
 - d. Start and continually update the information in INCT and PIINs, with paper copies in the case file.
 - e. Thoroughly search the residence and immediate area. Enlist the aid of the Patrol Bureau, Canine Unit, Aviation Unit, and other Detective Division personnel as needed. Broaden the search to include area parks, hospitals, shelters, yards, extended family homes or places the missing person is known to frequent.
 - f. Ensure that Police Radio is notified and broadcasting Flash information to adjoining districts/divisions. Initiate a GRM for broadcast by radio until the person is located.
 - g. Obtain a photograph of the missing person. Request dissemination of photo to and flash information to the News Media, via the Public Affairs Unit. If not located within 24 hours request the Graphic Arts Unit to prepare circulars to include a picture, descriptive information and Police contact information. Circulars will distributed (and/or posted) to local newspapers, businesses, churches, suspected destination points, etc. District Victim Assistance Officers (VAO), community groups or other available persons may be enlisted to aide in the distribution.

- h. Request reporting person to preserve possible DNA evidence (i.e.: toothbrush, hairbrush, hat, etc.), medical and dental records, and other identification pictures in the event that it is needed for future comparison.
 - i. Ensure missing person is not in police / prison custody and then immediately enter them in PCIC and NCIC.
 - j. Notify/check with other police jurisdictions, Medial Examiner's Office (MEO), Social Service or Community Outreach Services, etc.
 - k. Contact should be maintained with the family on all tours through the first 24 hours. The assigned will re-contact the family member(s) within 72 hours and then at least once per week thereafter, to provide updates and obtain additional information.
 - l. Ensure all personnel on every tour are aware of the missing person. Any and all tips will be immediately documented and investigated regardless of the availability of the assigned investigator. The results of the tip investigations will be forwarded to the family member(s) and the assigned investigator.
-

VI. FOLLOW-UP INVESTIGATIONS

A. Detective Division supervisors will check that the assigned investigator:

- 1. Re-interviews the person who reported the absence within 72 hours after the initial visit and once a week for a minimum period of one (1) month from the reported date of disappearance
- 2. Record each contact on a Supplemental Report (75-52) with any additional information and investigative action noted.
- 3. Maintains liaison with other investigative units or agencies.

B. Long Term Missing Person Section of the Special Victims Unit will:

- 1. Receive from the pertinent Detective Division a copy of the investigative file on all persons missing more than 30 days.
- 2. Central depository for investigative files on all persons missing more than 30 days.
- 3. Conduct the appropriate follow-up investigations independent of the Detective Divisions.

C. Responsibilities of the Long Term Missing Persons Section of the Special Victims Unit (LTMP)

1. The LTMP shall act as a central repository and archive for files of adults and juveniles missing more than 30 days. Copies of complete files are to be forwarded after 30 days to the LTMP by the original Detective Division. Incomplete files will not be accepted and will be returned to the detective division of occurrence for completion.
 2. The LTMP will follow up on all subsequent tips and investigate leads and will update the folder(s) accordingly. LTMP investigators will work in conjunction with divisional investigators, the National Center for Missing and Exploited Children, community groups, Town Watch, uniform police, outside police agencies, medical examiners and others to locate all missing persons.
 3. The LTMP will check the Data Processing Missing Person register and reconcile it with detective divisions to ensure that all cancellations are entered and that the register actually reflects persons who are still missing.
 4. The LTMP will respond to out-of-jurisdiction requests for follow-up assistance in locating missing persons from outside Philadelphia.
-

VII. MISSING PERSONS LOCATED

- A. When a suspected missing person (adult or emancipated juvenile) is located, uniform personnel will request an NCIC/PCIC inquiry from Police Radio. Upon confirmation that the individual is a reported missing person, police personnel will:
1. Prepare a Complaint or Incident Report (75-48A) using a new DC # number Phila. Code 2701 and transport the missing person to the Detective Division of Occurrence. All other references will be to the original DC# number of the missing person report.
 - a. If the located missing adult is listed as a category #2 or #3 of Section II-A (above) and the person states that the reason for absence was voluntary and that he/she is not in danger, request the person to accompany you to the Detective Division of Occurrence to clear the NCIC entry. If the located person refuses, notify the District or Detective Lieutenant, who will determine whether the person is to be released or transported to the pertinent Detective Division. If the person is released at the scene, record action on the 75-48A.

VIII. CLOSING CASES

- A. All assigned investigators will personally interview located missing persons and ascertain all pertinent information concerning whereabouts during absence and close the cases by canceling all missing person messages and GRM'S by using the computerized pre-formatted Missing Person Cancellation (75-52MP).
 - 1. When the reported missing person returns after the 75-74A is prepared by district personnel, but prior to the arrival of the assigned investigator (i.e., before the 75-74 computer entry, the assigned investigator will enter the computerized Missing Person Report (75-74), followed immediately by the computerized Missing Person Cancellation (75-52MP), a Supplemental Investigation Report (75-52) is not required.
 - 2. If the assigned investigator is not available (Scheduled Days Off [SDO], different shift, vacation, etc.), the on-duty divisional detective supervisor will assign another investigator to conduct and document the interview.
- B. A Supplemental Report (75-52) will be prepared for:
 - 1. Status Reports - results of follow-up investigation (prior to location/return of the missing person).
 - 2. Results of interview of located missing person - when pre-formatted Missing Person Cancellation (75-52MP) is insufficient to record obtained information.
 - 3. When documenting an investigation, all personnel will comply with the instructions in Computer Training Bulletin 97-03, "Incident Transmittal System (INCT) and the Police Integrated Information Network (PIIN) Users Guide.

IX. MESSAGES

- A. Out-of-Town Messages
 - 1. The assigned investigator must have the approval of the ranking Detective Division supervisor present before sending any out-of-town messages.
 - 2. The assigned investigator must have the approval of the ranking Detective Division supervisor on duty before entering any missing adult (over 21) information into NCIC.

- B. At the time the person is located, the ranking detective division supervisor will ensure that any GRMs, computer messages, and NCIC/PCIC entries are cancelled properly through pre-formatted Missing Person Cancellation (75-52MP) and original investigator notified..
-

X. OUT-OF-TOWN MISSING PERSONS CASES

- A. Detective Headquarters will determine what action is to be taken on all requests by out-of-town law enforcement agencies seeking information regarding missing persons.
1. After normal business hours, Command Inspections Bureau (CIB) will determine what action is to be taken on all requests by out-of-town law enforcement agencies seeking information regarding missing persons.
-

XI. MISSING PERSON BULLETINS AND CIRCULARS

A. Missing Person Bulletins

1. The District Operations Room Supervisor (ORS) on each tour of duty will:
- a. Check names listed on Missing Person Bulletins against defendants slated on the Arrest Register.
 - b. Check local computer messages for unidentified, dead, injured, or amnesia victims.
 - c. Ensure daily delivery by patrol personnel of Missing Person Bulletins to every hospital, prison, YMCA, Salvation Army Shelter, and similar institutions within the districts.

B. Missing Person Circulars

1. The pertinent Detective Division will be responsible for the actual preparation and distribution of circulars.
- a. The services of the Graphic Arts Unit will be utilized when necessary.

C. Closed Circuit Television Coverage

1. The ranking supervisor in the pertinent Detective Division will contact the corresponding Inspector for approval when CCTV coverage is requested.

2. After this information is personally reviewed and approved by the Detective Inspector, it will then be taken to the supervisor of the Audio-Visual Unit for CCTV transmission.
-

XII. DISTRIBUTION OF REPORTS

A. Complaint or Incident Report (75-48)

1. Original Reports Control Unit
2. Canary (1st carbon) Assigned Investigator
3. Pink (2nd carbon) Numbered District File

B. Missing Person Report (75-74MP) Computerized Printout

1. Copy Reports Control Unit (attach original 75-52, if any) When documenting an investigation, all personnel will comply with the instructions in Computer Training Bulletin 97-03, "Incident Transmittal System (INCT) and the Police Integrated Information Network (PIIN) Users Guide.
2. Copy Detective Division File
3. Copy Case File

NOTE: A copy of the entered computerized Missing Person Report (75-74MP) will automatically be sent to all Police Department terminals, to the Long Term Missing Person Section of SVU, and to Data Processing Unit for entry into the PCIC and/or NCIC systems as indicated on the preformatted screen.

C. Missing Person Cancellation (75-52MP) Computerized Printout

1. Copy Reports Control Unit (attach original 75-52, if any) When documenting an investigation, all personnel will comply with the instructions in Computer Training Bulletin 97-03, "Incident Transmittal System (INCT) and the Police Integrated Information Network (PIIN) Users Guide.
2. Copy Detective Division File
3. Copy Case File

NOTE: A copy of the Missing Person Cancellation (75-52MP) will automatically be sent to all Police Department terminals, to the Long Term Missing Person Section of SVU, and to Data Processing Unit.

D. Supplemental Investigation Report (75-52) when required and/or prepared

1. Copy Reports Control (attach original 75-52, if any) When documenting an investigation, all personnel will comply with the instructions in Computer Training Bulletin 97-03, "Incident Transmittal System (INCT) and the Police Integrated Information Network (PIIN) Users Guide.
2. Copy Detective Division File
3. Copy Case File

XIII. COMPUTER REGISTERS

- A. The Data Processing Unit will monthly forward to the Commanding Officer of each Detective Division and the Special Victims Unit a register of all missing persons in PCIC. This register will also note any PCIC entries that are in NCIC.
 1. The pertinent Commanding Officers will ensure the verification and accuracy of the information on these registers.

BY COMMAND OF THE POLICE COMMISSIONER



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 51
(02-03-06)**

APPENDIX "A"

SUBJECT: "TENDER AGE" SEARCH PROCEDURES

I. POLICY

- A. Missing children under the age of 10 years, as well as those with physical or mental disabilities as determined by police, are considered endangered and a specialized search protocol should be followed. The Philadelphia Police Department commonly refers to this protocol as a Tender Age Search. The best-case practices have been to have a rapid deployment of patrol and investigative resources, to continuously remain on location, and to have a methodical redundant search with full documentation.
 - B. Time is a critical factor in the safe recovery of these children. Most are found in their own residences. Therefore, a thorough, immediate, search of the residence by police is mandatory, as well as any vehicles including trunks and closed compartments. In shared-custody situations, the co-parent's home and vehicles should be searched as well. There is NO waiting period to report a child missing. A "Tender Age" missing person case is never closed until the subject has been located and identified.
-

II. PROCEDURES

- A. First officer on scene responsibilities:
 - 1. Patrol personnel must immediately notify a patrol supervisor when there is a report of a missing child under the age of ten.
 - 2. Prepare a Complaint or Incident Report (75-48), and a Missing Persons Report (75-74A).
 - 3. Broadcast Flash Information with the description of the subject, the clothing worn, how long the subject has been missing, and the location last seen.
 - 4. Determine if "Amber Alert" should be activated and immediately notify a patrol supervisor. Refer to Appendix B.
 - 5. The officer will remain on location until notified by a supervisor.

**DIRECTIVE 51 - 1
APPENDIX "A"**

B. Patrol Supervisor Responsibilities:

1. The Patrol Supervisor must report directly to the scene.
2. Ascertain where, when, with whom, and by whom the subject was last seen.
3. Ensure that radio is notified and a physical description of the subject and clothing worn is broadcast on the divisional radio band. (Flash Information)
4. Determine if "Amber Alert" should be activated. Refer to Appendix "B".
5. Ensure the residence of the subject is searched, and record the information of who conducted the primary search.
6. Ensure a Complaint or Incident Report (75-48), and a Missing Person Report (75-74A), is prepared completely and legibly, with the parent/guardian signing the work copy.
7. The supervisor will then sign the 75-74A.
8. The Patrol Supervisor will notify the Detective Division of Occurrence and remain on location.
9. Have additional patrol units check the area for the missing subject and make notations of the areas checked on their patrol logs.
10. Ensure that the names, addresses and phone numbers of all people interviewed are recorded.
11. Ensure that the license plates and VIN numbers of all vehicles, including abandoned autos, which are parked near the home of the subject and/or the location last seen, are recorded.
12. Ensure that an immediate and thorough search of these vehicles (including trunks and closed compartments) is conducted, and the date, time and by whom is recorded on a 75-48, and on the chronology.
13. There must be a continuous police presence at the subject's residence during the course of the investigation.
14. Provide all above information to the Detective Supervisor upon arrival at the scene.

C. Detective Supervisor Responsibilities:

1. Assign at least two (2) investigators and accompany them to the scene. One of these investigators will be the Assigned and the other as a Recorder.
2. Assign other investigators to various tasks to accomplish the mission.
3. Ensure protocols are followed, and a chronology is initiated.
4. Assign investigators to again search each room of the residence and record the information.
5. Ensure vehicles and trunks are again searched and record information.
6. Notify the Detective Division and ensure that computer entries are made and a city wide General Radio Message (GRM) is broadcasted every 20 minutes for the first 24 hours, and one per hour after that.
7. Obtain a photograph of the subject for wide spread distribution to the public and news media.
8. Obtain signed Medical/Dental Release forms from parent/guardian, at the appropriate time.
9. Utilize appropriate check lists.
10. If criminality is apparent, follow provisions of Directive 2, "Responsibilities at Crime Scenes", and notify the Crime Scene Unit to respond.
11. To ensure a through search is conducted it is best to employ a systematic methodology with built in redundancies.

D. Assigned Investigators Responsibilities:

1. The RECORDER will initiate a chronology of all activities conducted, file all reports and forms in a logical order, prepare all TELS sheets, white papers and 75-52 Supplemental Reports.
2. The assigned investigator will enter the missing child into PCIC/NCIC as soon as possible. (All personnel will be aware of the implementation of the Police Integrated Information Network [PIIN] system and its connection to PCIC/NCIC.)
3. Conduct and record all interviews; search and record all areas searched inside the residence; search and record all areas searched outside the residence, including vehicles (including trunks and closed compartments); conduct and record neighborhood interviews.

4. A useful tool for the investigator is a biographic sheet containing the subject's physical description at the time of disappearance, including clothing, eyeglasses, condition of teeth or orthodontics, and any scars or marks. Information about how the subject went missing is good to have on the form such as day, date, time, location, possible destination, if the subject had any money and how it was obtained. Family history including, legal guardian's information, biological mother's information, biological father's information, maternal and fraternal grandparent's information and any other relatives information. Medical information should be included such as the family physician, pediatrician, dentist, orthodontist, blood type, previous injuries, and medical conditions such as allergies, illnesses and medications taken. School history, name, location and phone number of school attended, grade, teacher's name, room number, date last attended, academic standing, friends, problems, or incidents, should be included on the form. The names of the subject's neighborhood friends should be obtained and they must be interviewed. Subject's home computer should be checked for information that might ascertain their whereabouts.
5. To ensure a thorough search is conducted, it is best to build in redundancies to a search. One example would be to have a team search a building from the roof down to the basement and have another team reverse the process. Check lists are useful in helping to reduce oversights. Utilizing forms for Interior and Exterior searches indicating date, time, location, what was searched, and signatures of the officers, establishes control and accountability.
6. The search should include the rooftops, chimneys and attics. Look inside any small containers or appliances, with the thought that no area is too small to be searched. Under stairwells, behind heaters and air conditioning units, under beds, in bookcases, under clothing in closets, refrigerators, freezers all must be checked. Yards, alleyways, sewers, trash cans, trash bags, water towers, train yards, construction sites, abandoned buildings have to be thoroughly inspected from all angles. Parked trucks and autos, including abandoned autos, must be opened and inspected, including the trunks, spare tire wells, and behind the back seats. Investigators should be encouraged to use their imagination and search any area that might be a place for a child to be trapped or secreted. When all of this has been checked, then the process is to check it all again.

E. Detective Bureau Command Personnel Responsibilities:

1. A Detective Bureau or CIB Captain, will be notified and respond to the scene when a Tender Age Search is initiated.
2. Ensure that the protocols are followed.

3. Establish a Command Post in or near the subject's residence. In situations involving secondary locations, a Communications Post will be established at each location.
 4. Provide additional resources to the investigators as needed, such as K-9 Unit, Aviation Unit, Marine Unit and any additional investigative or uniform personnel, such as MIRT Teams (Major Incident Response Teams).
 5. Notify the Public Affairs Unit to assign a news media liaison to disseminate photographs and give periodic updates on the investigation to the press.
 6. Ensure that the investigation continues around the clock, until the subject is located.
 7. Remain on location until relieved by another Commander.
- F. Public Affairs Unit (PAU) Responsibilities:
1. Immediately respond to the scene and be briefed by Command Personnel at the scene.
 2. Obtain missing subject's photograph and disseminate to the news media.
 3. Provide periodic news briefings to the media.

BY ORDER OF THE POLICE COMMISSIONER



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 51
(02-03-06)**

APPENDIX "B"

SUBJECT: "AMBER ALERT" PLAN

I. PURPOSE

- A. The purpose of the Amber Alert Plan is to locate missing children within hours of a child abduction. Statistics show that the sooner information about these missing children is communicated the better the chance of finding them alive. The primary purpose of a sexual predator is sexual exploitation. The gender of abducted children under the age of six (6) usually makes no difference to the predator. Abducted children above the age of 11 are predominantly female. In almost all of these cases the children are killed after they are sexually exploited. Forty-four percent (44%) are killed within the first hour, seventy-four percent (74%) are killed within the first three hours, less than one percent (1%) survive a full day and forty percent (40%) are dead before they are even reported missing.
-

II. INTRODUCTION

- A. The "Amber Alert" program is a cooperative plan between the Emergency Alert System (EAS) and Pennsylvania police agencies. The plan calls for the Pennsylvania State Police (PSP) to provide participating media outlets (radio and television stations) with critical information concerning a confirmed child abduction. Upon confirmation, the Philadelphia Police Department will notify the PSP with all available information surrounding the abduction. The PSP will confirm the accuracy of the information and issue an "Amber Alert" via the State EAS.
-

III. POLICY

- A. Before an alert is initiated the following criteria must be met:
1. The child is 18 years of age or younger, or a person under the age of 21 with a proven mental or physical disability, AND:
 2. Police must believe the child/person is in danger of serious bodily harm or death. This includes family-member abductions, e.g. custody disputes.
- B. If the above criteria are not met, an alert will not be initiated.

**DIRECTIVE 51 - 1
APPENDIX "B"**

- C. Information regarding the suspect, if known, will be as specific as possible. Should a witness identify a suspect by name, he/she will not be named as a suspect but only as someone police are interested in interviewing regarding the abduction.
 - D. Upon confirmation of a child abduction, the Department will immediately notify the PSP with all available information surrounding the abduction. Final authority for the initiation of an alert with the EAS rests with the PSP.
 - E. It is incumbent on all parties involved in these investigations that they carry out their responsibilities in the most expeditious manner. Because the chance of recovering the victims of these child abductions unharmed decreases with the passing of each hour, it is imperative that all available information be forwarded to the PSP as soon as possible so that a determination can be made and the "Amber Alert " can be activated.
-

IV. PROCEDURES

A. Investigating Officer will:

1. Gather and assess pertinent information at the scene.
2. Determine if the criteria have been met to activate an "Amber Alert":
 - a. The child is 18 years of age or younger, or under the age of 21 and have a proven mental or physical disability, and;
 - b. Police must believe the child is in danger of serious bodily harm or death.
3. If the officer believes that the criteria has been met, request the presence of a supervisor to their location.
4. If it is determined that the above criteria has been met the investigating officer will immediately contact Police Radio to advise them of an "Amber Alert" and request Radio notify the Special Victims Unit (SVU), per Directive 107, of the abduction.

NOTE: Time is of the essence. The sooner this information can be put out over the airwaves, the greater the chance that the abducted child may be found unharmed and the perpetrator apprehended.

5. At this same time the investigating officer will provide Police Radio with flash information to include a description of the child, suspect(s), and any vehicle involved so that this information can be made available to local police. The officer will then take the complainant to the Special Victims Unit along with the paperwork so that any further details may be ascertained by the detective that may help in recovering the missing child. Any uncompleted paperwork can be completed upon arrival at the Special Victims Unit.

6. If it is determined that a crime has been committed and that there is a crime scene present, the investigating officer will follow the procedures set forth in Directive 2, "Responsibilities at Crime Scenes" by asking the supervisor to assign someone to their location immediately to preserve the integrity of the scene.
7. If it is determined that the above criteria has not been met, the investigating officer will continue to process the incident as a missing person according to Directive 51.

B. Patrol Supervisor will:

1. Immediately go to the location of the investigating officer and the complainant, and establish if the abduction meets the Amber Alert criteria and authorized activation.
2. If it is determined by the supervisor that all criteria have been met, the supervisor will immediately telephone PCIC at (215) 686-3174 or 686-3175 and provide them with the following information:
 - a. They have a founded abduction and are requesting an "Amber Alert"
 - b. Date
 - c. DC# number
 - d. Name of Victim
 - e. Date and Time Victim Last Seen
 - f. Sex of Victim
 - g. Race of Victim
 - h. Height and Weight of Victim
 - i. Hair and Eye Color of Victim
 - j. Date of Birth of Victim
 - k. Any additional information (e. g., description of car abductor was driving, description of abductor, direction taken by abductor, description of clothing worn by victim or any distinguishing characteristic or marks on either the victim or abductor).
 - l. UCR Code (2641 - Kidnapping)

C. Police Radio will:

1. Transmit flash information over the divisional band and the citywide band.
2. Notify the Special Victims Unit of the abduction.
3. Upon confirmation from the PSP that an "Amber Alert" has been issued, announce a General Radio Message (GRM) with the Alert details and repeat this same message every 15 minutes for the first two(2) hours and then once every half hour for the next three (3)hours.

D. Assigned Special Victims Unit Investigator will:

1. Review the paperwork and interview the complainant.
2. Complete and forward any additional information received to PCIC.
3. Ensure that the assigned Special Victim's investigator's name is listed as the contact person on the Missing Person Message (MSPE) along with his/her telephone number.
4. If this abduction does not meet the criteria for an "Amber Alert" the assigned detective will process the complaint appropriately.

E. PCIC Operator will:

1. Once the Philadelphia Crime Information Center (PCIC) operator receives the MSPE message and it is indicated that a child abduction has occurred, an entry will be made through the PCIC system with special coding designating this missing person entry as an "Amber Alert". A copy of this information will be sent to the PSP Dispatch Center for the necessary action.

F. Pennsylvania State Police (PSP) will:

1. The PSP Dispatch Center will contact the PSP Bureau of Criminal Investigation, Criminal Investigations Assessment Unit with all information surrounding the abduction using the Commonwealth Law Enforcement Assessment Network (CLEAN). The PSP will confirm the accuracy of the information and verify that the activation criteria are met. The PSP will be available 24 hours a day, 7 days a week to receive this information.
2. Once the PSP have confirmed the accuracy of the information and verified the activation criteria, they will immediately transmit all relevant information surrounding the abduction to:
 - a. Municipal and state law enforcement installations using the CLEAN system;
 - b. The Pennsylvania Emergency Management Agency (PEMA) for activation of the EAS.
3. When the suspected abductor has been apprehended and/or the abducted child has been located, or in the event that an Amber Alert was issued erroneously, a follow-up CLEAN cancellation of the activation will go out to all police via PCIC.

G. Broadcasts

1. Once the EAS is activated participating local radio stations and television stations will immediately broadcast news of the abduction and give information regarding the victim, the alleged abductor and any other pertinent information that may help in the apprehension of the abductor and recovery of the child. This broadcast information will occur once unless new, timely information, critical to the viewing and listening public has become available. In that case a second Alert will be issued.
2. The PSP website is located at <http://www.psp.state.pa.us>

BY ORDER OF THE POLICE COMMISSIONER



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 51
(12-09-09)**

APPENDIX "C"

SUBJECT: MISSING PERSONS ENROLLED IN THE PROJECT LIFESAVER PROGRAM

I. GENERAL INFORMATION

- A. Project Lifesaver is a non-profit program designed to assist in locating people suffering from Autism, Down Syndrome or Alzheimer's disease and other dementia type disorders. Persons afflicted with these adverse developmental conditions may not be able to independently protect themselves if lost. This program allows caregivers to enroll those suffering from these conditions to be fitted with a radio transponder bracelet, which can be used to help locate the missing person.
 - B. The investigation for a missing person enrolled in the Project Lifesaver will be conducted within the guidelines of a Tender Age search. (refer to Directive 51 Appendix "A")
-

II. COMMANDING OFFICERS OF DETECTIVE DIVISIONS AND SPECIAL VICTIMS UNIT (SVU) WILL ENSURE:

- 1. At least one (1) person from each letter group of each squad is trained as an Electronic Search Specialist (ESS) and available in the use of the Program Lifesaver equipment. Training will be requested through the Chief Inspector, Training and Education Services Bureau.
- 2. Proper storage, maintenance and use of the Project Lifesaver equipment. Weekly testing of equipment will be conducted on Sunday during the day work tour of duty and documented on the Daily Complaint Summary (75-67).
- 3. Notification of the Project Lifesaver manager, Michael Tuckerman (215) 698-2840 when the equipment is in need of repair or replacement. Additionally, Project Lifesaver manager will ensure that the batteries in Transponder bracelets are replaced on a monthly basis and forward documentation to Chief Inspector, Training and Education Services Bureau.

**DIRECTIVE 51 - 1
APPENDIX "C"**

III. PROCEDURE

A. When police personnel are informed that a person is missing, the person making the report will be asked if the missing person is enrolled in the Project Lifesaver program. If the missing person is enrolled, police personnel will:

1. Confirm enrollment by documentation of caregiver or by requesting Police Radio to confirm.
2. If not already notified, notify Police Radio of the information and conditions, and request a patrol supervisor.

B. Police Radio will:

1. Determine whether the missing person is enrolled in the Project Lifesaver program and secure confirmation and frequency setting by calling 1-800-572-1122.
2. Dispatch a police officer and a patrol supervisor to the scene.
3. Notify a supervisor in the Detective Division of occurrence to have a trained Electronic Search Specialist (ESS) respond with the emergency locator equipment to the last known location of the missing person.
 - a. If there is no one trained available in the Division of occurrence, other Divisions will be contacted to locate the necessary operator(s).
4. Notify an Aviation Unit supervisor of the report.
5. Maintain a log on all reports of missing persons enrolled in the Lifesaver Program.

C. Uniform personnel in District of Occurrence will follow the procedures as outlined in this Directive and its Appendixes.

D. Detective Division / SVU Supervisor Responsibilities:

1. Detective Division of occurrence Supervisor or SVU Supervisor when appropriate will ensure that the procedures outlined in this Directive are followed and assume all investigative responsibilities.

E. Patrol Supervisor will:

1. Immediately proceed to the last known location of the missing person and confirm the status of the reported missing person.

2. Assign uniformed officers to assist the certified Electronic Search Specialist.

F. The Aviation Unit will when requested, report to the on-scene Detective Supervisor and assist.

BY COMMAND OF THE POLICE COMMISSIONER

<u>*FOOTNOTE #</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REVISION</u>
*1	4574	10-27-09	Additions
		12-09-09	New Appendix "C"

**DIRECTIVE 51 - 3
APPENDIX "C"**



PHILADELPHIA
POLICE DEPARTMENT

MISSING PERSONS REPORTED
2009 AND 2010 TD (1/13/2010)

	<u>2009</u>	<u>2010 YTD(1/13/2010)</u>
ADULTS REPORTED	<u>1430</u>	<u>56</u>
JUVENILES REPORTED	<u>3703</u>	<u>120</u>
TOTAL	<u>5133</u>	<u>176</u>

THESE ARE FROM THE INCIDENT TRANSMITTALS AND ARE NOT UCR.

REQUESTED BY: Sgt. Anthony Gorsek of the Cleveland Police Department

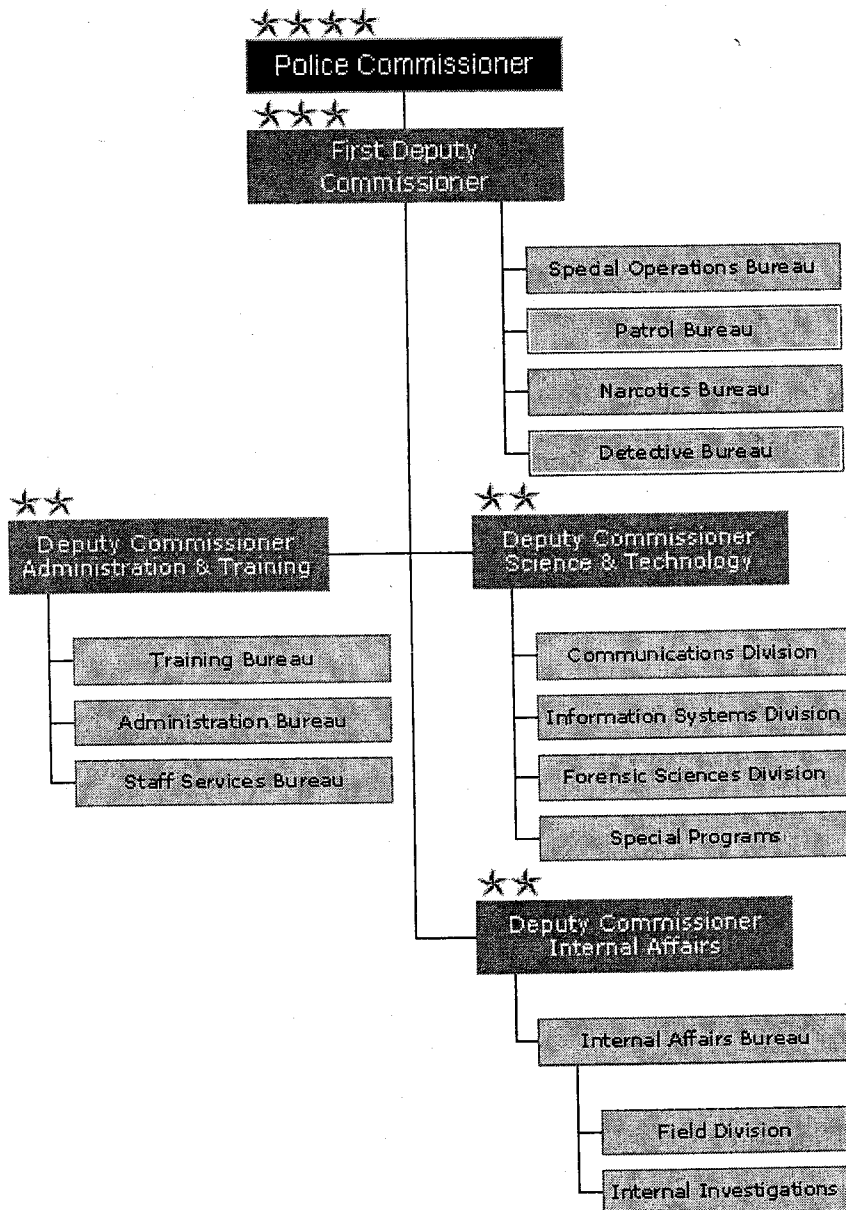
RESEARCH AND PLANNING UNIT
STATISTICAL SECTION
1/14/2010

Organizational Overview

Macro Organization Chart

[PREVIOUS PAGE](#)

This organization chart depicts a very general view of the structure of the Philadelphia Police Department. A more detailed structural chart may be available to interested parties by contacting the police department's Research and Planning Unit at 215.686-3277.



EXECUTIVE SUMMARY

Pittsburgh, Pennsylvania – Requirements Related to Missing Persons

Introduction

The Pittsburgh Bureau of Police (the “Bureau”) is subject to limited requirements under state law and is required to adhere to its written policy (the “Bureau Policy”) regarding handling reports of missing persons.

State Law Requirements

Pennsylvania statutory law (the “Statutory Requirements”) does not explicitly impose any requirements on local law enforcement agencies with respect to handling reports of missing adults. However, local law enforcement agencies are required to follow the guidelines set forth by the Pennsylvania State Police with respect to Pennsylvania’s Commonwealth Law Enforcement Assistance Network (“CLEAN”). The Bureau must file missing reports into CLEAN, validate the reports, and remove them as appropriate.

Local Requirements

The Bureau Policy outlines some of the policies and procedures of the Bureau upon receipt of a missing person report.

Comparison of Requirements for Pittsburgh Bureau of Police and Requirements for Cleveland Division of Police

Unlike the Cleveland Division of Police (“CPD”), the Bureau is not subject to many requirements imposed by state law.

The Bureau differs from the CPD by requiring missing persons reports to be generated by people who are “clearly associated” with the missing person and have some degree of responsibility over them.

The Bureau has measures in place to ensure that the personnel of the zone of occurrence do most of the work related to the missing person’s case. In addition, the Bureau differs by giving zone supervisors discretion to decide whether to contact the Missing Persons Unit upon receipt of a report. The Missing Persons Unit must be notified where serious crimes are suspected or the missing person has not been located within five days. Another difference between the Bureau and the CPD is the presence of a missing persons unit.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

SUMMARY

Pittsburgh, Pennsylvania – Requirements Related to Missing Persons

Background Information on Pittsburgh and the Pittsburgh Bureau of Police

The Pittsburgh Bureau of Police (the “Bureau”) has 850 police officers that serve Pittsburgh’s population of 309,757. See Crime in the United States, 2008, an FBI report available online. In 2007, the last year for which data is available, the Bureau handled 1,842 reports of missing persons, 419 more than 2006. See 2007 Pittsburgh Bureau of Police Annual Report.

Sources of Authority Regarding the Pittsburgh Bureau of Police Policies Related to Missing Persons

Pennsylvania statutory law (the “Statutory Requirements”) does not explicitly impose any requirements on local law enforcement agencies with respect to handling reports of missing adults. However, local law enforcement agencies are required to follow the guidelines set forth by the Pennsylvania State Police with respect to Pennsylvania’s Commonwealth Law Enforcement Assistance Network (“CLEAN”). The Bureau is also required to follow its own policies, as set out by its written policy (the “Bureau Policy”), which is detailed below. All sources referenced in this Summary are attached.

Commonwealth Law Enforcement Assistance Network Requirements

CLEAN is a statewide computerized information system that acts, among other functions, as Pennsylvania’s conduit to the National Crime Information Center (“NCIC”). Local law enforcement agencies have the capability to enter missing persons files into CLEAN/NCIC, where they are categorized, along with certain other kinds of files, as “hot files.” In the context of a missing person, a hot file takes the form of a missing person report. If the missing person is not under 21, the documentation must also include a written statement from an adult confirming that a person is missing. If a hot file is no longer valid, it must be removed immediately. Any agencies using CLEAN must validate their hot files on a monthly basis, meaning that they must make sure that hot files are complete, accurate, and up-to-date.

The Pittsburgh Bureau of Police Policy

The Bureau accepts reports of missing persons from any responsible person who is clearly associated with the missing person.

Personnel are required to take all information about missing persons reports by personal interview only and not over the telephone. It is the duty of personnel assigned to the station in the zone of occurrence to take the initial report, and, at the discretion of the shift supervisor, to conduct such search and investigation and make such notifications as may be necessary.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

All missing persons reports must be taken either by personnel assigned to a dispatched vehicle or by the desk sergeant or desk officer in the zone of occurrence. However, if a report is made in a zone other than the zone of occurrence, the report should be taken and immediately forwarded to the supervisor in-charge of the zone of occurrence. Notification to the zone of occurrence should be accompanied by a telephone notification. The only initial notification to be made is to the communications section for broadcast over the police radio network. Such notification should be made by personnel from the zone of occurrence, and, if possible, by telephone from the place where the report is being taken.

The supervisor in-charge of the zone of occurrence determines the type of search and investigation to be conducted based on the circumstances reported. It is the duty of the commander of the zone of occurrence to inaugurate, maintain, or employ such procedures as may be necessary to monitor the status of missing persons and requests for assistance.

Persons reporting a person as missing must be given the telephone number of the zone of occurrence and must be advised to report any additional information concerning the missing person there. Also, when a missing person has been located or returns home, they must be advised to report such fact to the zone station of occurrence by telephone.

Reports on persons returning home or being located do not have to be taken in person but may be accepted by telephone and only at the zone station of occurrence. No other notification or report has to be made in these cases except to inform the Communications Section so as to be broadcast over the police radio network and to the Missing Persons Section if they were initially notified. These notifications must be made by telephone.

The Missing Persons Unit (the "Unit") must be notified immediately when there is reason to believe that the missing person may be a victim of rape, kidnapping, homicide, etc. All notifications made to the Unit must be made by telephone. The Bureau must avoid sending each and every report to the Unit unless there is reason to believe that the missing person may be a victim of rape, kidnapping, homicide, etc., or if the missing adult has not been located within five days.

Comparison of Requirements for Pittsburgh Bureau of Police and Requirements for Cleveland Division of Police

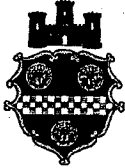
Unlike the Cleveland Division of Police (the "CPD"), the Bureau is not subject to many requirements imposed by state law.

The Bureau differs from the CPD by requiring missing persons reports to be generated by people who are "clearly associated" with the missing person and have some degree of responsibility over them.

The Bureau has measures in place to ensure that the personnel of the zone of occurrence do most of the work related to the missing person's case. In addition, the Bureau differs by giving zone supervisors discretion to decide whether to contact the Unit upon receipt of a report.

VORYS

The Unit must be notified where serious crimes are suspected or the missing person has not been located within five days. Another difference between the Bureau and the CPD is the presence of a missing persons unit.

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, respect."</i>		SUBJECT: MISSING PERSON INVESTIGATIONS	ORDER NUMBER: 43-02
ISSUE DATE: 6/1/00		EFFECTIVE DATE:	PAGE 1 OF 2
CALEA STAFF:		AMENDS:	ALL PREVIOUS

1.0 POLICY/PURPOSE:

- 1.1 As a matter of general policy, a report of a missing person or juvenile shall be taken and accepted from any responsible person who is closely associated with the missing person.

2.0 MISSING ADULTS - GENERAL REGULATIONS AND PROCEDURES

- 2.1 All missing person reports involving adults shall be taken and recorded on PBP Form #3, Police Report, and all information for this initial report shall be taken by personal interview only and NOT over the telephone.
- 2.2 It shall be the duty and responsibility of personnel assigned to the station in the zone of occurrence to take the initial report and, at the discretion of the shift supervisor, to conduct such search and investigation and make such notifications as he may deem necessary.
- 2.3 All missing persons reports shall be taken either by personnel assigned to a dispatched vehicle or by the desk sergeant or desk officer in the zone of occurrence. However, if a report is made in a zone other than the zone of occurrence, the report shall be taken and immediately forwarded to the supervisor in-charge of the zone of occurrence. Notification to the zone of occurrence shall be accompanied by a telephone notification.
- 2.4 Initially, the only notification that is to be made shall be to the communications section for broadcast over the police radio network and such notification shall be made by personnel from the zone of occurrence, and if possible, by telephone from the place the report is being taken.
- 2.5 The supervisor in-charge of the zone of occurrence shall determine from the circumstances reported, the type of search and investigation that is to be conducted and if any other notifications are to be made.
- 2.6 Persons reporting a person as missing shall be given the telephone number of the ZONE STATION OF OCCURRENCE and shall be advised to report any additional information concerning the missing person there. Also, when a missing person has been located or returns home, they shall be advised to report such fact to the ZONE STATION OF OCCURRENCE by telephone.
- 2.7 Reports on persons returning home or being located do not have to be taken in person but may be accepted by telephone and only at the ZONE STATION OF OCCURRENCE. No other notification or report has to be made in these cases except to inform the Communications Section so as to be broadcast over the police radio network and to the Missing Persons Section if they were initially notified. These notifications shall be made by telephone.
- 2.8 It shall be the duty and responsibility of the commander of the zone of occurrence to inaugurate, maintain or employ such procedures as may be necessary to monitor the status of missing persons and requests for assistance.
- 2.9 The Missing Persons Section SHALL NOT be notified nor sent any reports on each and every missing person except in the following cases:
- Adults who have not been located within five (5) days.
 - Where there is reason to believe the missing person may be a victim of rape, kidnapping, homicide, etc. In these cases, the Missing Persons Section shall be notified immediately.

- (c) All notifications to the Missing Persons Section shall be by telephone. If any other report is required, the Missing Persons Section shall request it.

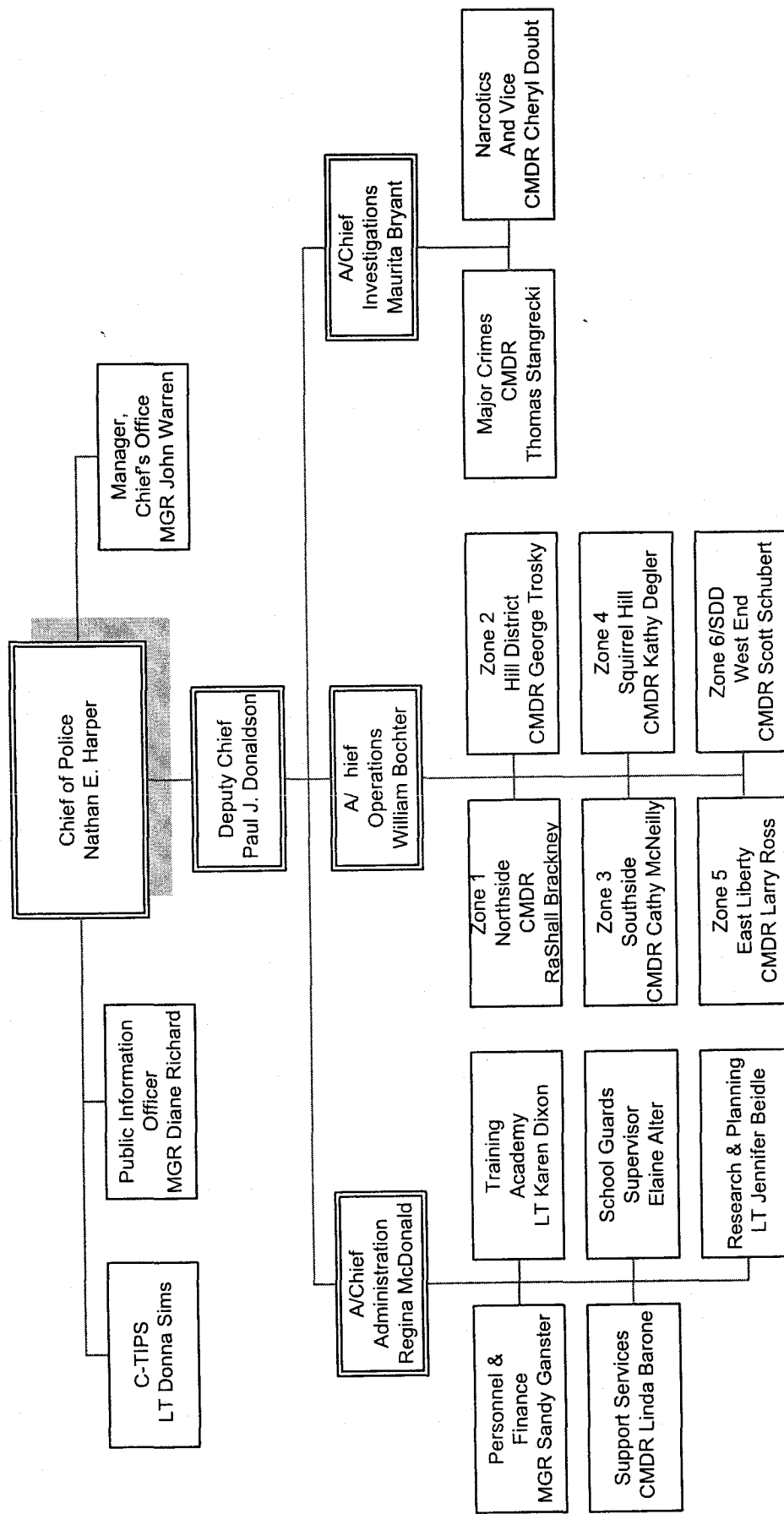
3.0 MISSING CHILDREN AND JUVENILES - GENERAL REGULATIONS AND PROCEDURES

- 3.1 State law imposes specific duties on law enforcement agencies:

4.0 MISSING CHILDREN

- 4.1 Duties of Law Enforcement Agencies:

- 4.2 To investigate a report of a missing child immediately upon receipt of the report regardless of the age of the missing child. In no case shall law enforcement agencies impose a mandatory waiting period prior to commencing the investigation of a missing child.
- 4.3 When conducting a missing child investigation, to record all information relevant to the missing child and the circumstances surrounding the disappearance of the missing child on the appropriate law enforcement investigative report. To make an entry into the missing persons file through the Commonwealth Law Enforcement Assistance Network (CLEAN) in accordance with Pennsylvania State Police policy and procedures immediately upon receipt of sufficient identification information on the missing child.
- 4.4 To insure timely cancellation of any entry made pursuant to this act where the missing child has returned or is located.
- 4.5 DEFINITION: As used in this section the term "CHILD" means a person under 18 years of age.
- 4.6 In order to facilitate the reporting of missing juveniles PBP Form #19 is to be used. This form is printed on an IBM size card with instructions for the various items on the reverse side.
- 4.7 When a juvenile (child) is reported missing, field personnel shall complete the upper portion of the card (above the heavy line) to the extent possible and then relay the information, by telephone, to the Index Section. Personnel at Index shall place the information they receive on a Form #19, enter it into the CLEAN computer system and place the card on file in their office. Items marked with an asterisk are mandatory for entry into the computer system.
- 4.8 When a missing child is located, field personnel must prepare a new card by entering the child's name only in the upper portion and completing the bottom portion of the card before notifying Index. Under no circumstances shall a person reporting a child missing be instructed to contact Index directly if and when the child returns home.
- 4.9 After notification to Index, all missing juvenile reports prepared by field personnel shall and must be sent to the Record Room. Index shall make a copy of their report and forward it to the Missing Persons Section.
- 4.10 In addition to the Form #19, field personnel shall also prepare a PBP Form #3 for each missing juvenile where they may elaborate on the items listed on Form #19 and include more detailed information if available, such as circumstances surrounding the disappearance, whether fingerprints, footprints or body X-rays are available, known associates, etc.
- 4.11 Supplementary reports, when necessary shall be made and in those cases where it is deemed necessary to notify the Missing Persons Section, a notation to that effect shall be entered on the Police Report.



EXECUTIVE SUMMARY

Toledo, Ohio – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Toledo Police Department (“TPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Toledo Police Division Directive 401.18 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of missing persons. The Department Policy requirements are set forth below.

Local Requirements

The TPD Department Policy defines a missing person as any person, regardless of age, who is either a possible involuntary absence or a voluntary absence if other circumstances are involved. The rule explicitly states that the TPD does not have a waiting period before a person can be reported missing. When a report is made, a uniformed unit is dispatched to take an incident report. A report is filled out titled “Missing Person” by the responding officer.

If there is an indication of unusual circumstances, the officer fills out a supplemental crime report stating the conditions underlying the indication of unusual circumstances. If a supplemental crime report is filled out, the reporting person must sign it; there is no requirement that the original incident report be signed by the reporting person.

Before completing the Missing Person report, however, the responding officer notifies the Records Bureau by telephone to obtain a Records Bureau number for the report. The Records Bureau personnel enter information into the Northwest Ohio Regional Information System (“NORIS”), the Law Enforcement Automated Data System (“LEADS”), and the National Crime Information Center (“NCIC”) and complete the necessary steps for a “General Broadcast” throughout the department. The officer also is required to contact the Investigative Services desk. The Investigative Services desk completes its own internal missing person’s form and logs the entry into the Investigative Services Missing Person Database.

The responding officer contacts an Operations supervisor if a person is reported missing and extenuating circumstances are involved. After being notified of the circumstances, the supervisor determines whether a field search should be conducted. If a field search is necessary,

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

the supervisor first orders a thorough search of the missing person's premises and surrounding areas. Where possible, an investigator assists in the search while the on-scene supervisor takes the lead. The supervisor keeps a log of the search progress, to be passed on to relieving shift personnel. The search continues until the person is located or the supervisor determines all possible leads have been exhausted.

The follow-up investigation of the Missing Person report is conducted by the Missing Persons Office, a division within the Investigative Services Bureau. An officer in the Missing Persons Office is responsible for interviewing the reporting individual, maintaining an up to date file, and conducting the actual follow-up investigation.

The Records Bureau is responsible for entering any information about a missing person into both the LEADS system and the NCIC database immediately.

Comparison of Requirements for Toledo Police Department and Requirements for Cleveland Division of Police

The TPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

The TPD Department Policy explicitly states that there is no waiting time before a person can be reported missing, while the CPD has no such requirement.

The policies differ with respect to when a supervisor must be called. Under the Cleveland Policy, a supervisor is called whenever entry into NCIC is mandated. Whereas, the TPD Department Policy requires a supervisor be called only under extenuating circumstances, such as a missing adult with physical or mental handicaps.

The TPD Department Policy lists a protocol for when field searches should be conducted – when a supervisor is called, the supervisor determines if a field search is necessary. The Cleveland Policy contains no provision for field searches. Furthermore, the TPD will keep a log of the search for continuity between shift changes.

Although the role is not fully described, the TPD Department Policy makes reference to referring the Missing Person report to the Investigative Services desk, presumably for a follow-up investigation by the Missing Persons Office. The Cleveland Policy contains no provision to shift the investigation away from the patrol level.

The TPD Department Policy contains no specific provision for contacting local organizations, such as hospitals and the coroner, to determine the missing person's whereabouts.

SUMMARY

Toledo, Ohio – Requirements Related to Missing Persons

According to the Toledo Police Department (“TPD”) 2007 Annual Report, the TPD employs 667 Police Officers. Toledo has a population of 295,029, according to the U.S. Census Bureau Estimate for 2007.

Sources of Authority Regarding Toledo Police Department Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the TPD must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Toledo Police Division Directive 401.18 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the TPD’s statutorily required written policy. The steps that the TPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below.

I. Initial Report

The Department Policy defines a missing person as any person, regardless of age, who is either a possible involuntary absence or a voluntary absence if other circumstances are involved. The rule explicitly states that the TPD does not have a waiting period before a person can be reported missing. When a report is made, a uniformed unit is dispatched to take an incident report. A report is filled out titled “Missing Person” by the officer.

If there is an indication of unusual circumstances, the officer fills out a supplemental crime report stating the conditions underlying the indication of unusual circumstances. If a supplemental crime report is filled out, the reporting person must sign it; there is no requirement that the original incident report be signed by the reporting person.

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Before completing the Missing Person report, however, the responding officer must notify the Records Bureau by telephone to obtain a Records Bureau number for the report. The Records Bureau personnel enter information into the Northwest Ohio Regional Information System ("NORIS"), the National Crime Information Center database ("NCIC") and the Ohio Law-Enforcement Automated Data System ("LEADS"). The Records Bureau also takes the necessary steps for a "General Broadcast" throughout the department. The officer also contacts the Investigative Services desk. The Investigative Services desk completes its own internal missing person's form and log the entry into the Investigative Services Missing Person Database based upon the initial Missing Person report.

II. Investigation

The responding officer contacts an Operations supervisor if a person is reported missing and extenuating circumstances are involved. After being notified of the circumstances, the supervisor determines whether a field search should be conducted. If a field search is necessary, the supervisor first orders a thorough search of the missing person's premises and surrounding areas. Where possible, an investigator assists in the search and the on-scene supervisor takes the lead. The supervisor keeps a log of the search progress, to be passed on to relieving shift personnel. The search continues until the person is located or the supervisor determines all possible leads have been exhausted.

The actual follow-up investigation of the Missing Person report is conducted by the Missing Persons Office, a division within the Investigative Services Bureau. An officer in the Missing Persons Office is responsible for interviewing the reporting individual, maintaining an up to date file, and conducting the actual follow-up investigation.

III. Reporting

The Records Bureau is responsible for entering any information about a missing person into both the LEADS system and the NCIC database immediately after receiving the necessary information.

Comparison of Requirements for Toledo Police Department and Requirements for Cleveland Division of Police

The TPD Department Policy is generally less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

The TPD Department Policy explicitly states that there is no waiting time before a person can be reported missing, while the CPD has no such requirement.


The policies differ with respect to when a supervisor must be called. Under the Cleveland Policy, a supervisor is called whenever entry into NCIC is mandated. Whereas, the

TPD Department Policy requires a supervisor be called only under extenuating circumstances, such as a missing adult with physical or mental handicaps.

The TPD Department Policy lists a protocol for when field searches should be conducted – when a supervisor is called, the supervisor determines whether a field search is necessary. The Cleveland Policy contains no provision for field searches. Furthermore, the TPD will keep a log of the search for continuity between shift changes.

Although the role is not fully described, the TPD Department Policy makes reference to referring the Missing Person report to the Investigative Services desk, presumably for a follow-up investigation by the Missing Persons Office. The Cleveland Policy contains no provision to shift the investigation away from the patrol level.

The TPD Department Policy contains no specific provision for contacting local organizations, such as hospitals and the coroner, to determine the missing person's whereabouts.

DIRECTIVE 401.18	TOLEDO POLICE DEPARTMENT STANDARD OPERATING GUIDELINES		
EFFECTIVE November 01, 2002	CHIEF OF POLICE: <i>Michael J. Navarre</i>		
REVISED December 10, 2004	PART: OPERATIONS	PAGES 6	
	CHAPTER: PATROL OPERATIONS		
RESCINDS	MISSING PERSONS		

I POLICY

It is the policy of the department to accept all missing person reports from anyone concerning an apparent credible report of any person, regardless of age, who meets the following criteria: possible involuntary absence, voluntary absence if other circumstances are involved, e.g., mental or significant medical problems, very young or very old age, significant mental or physical handicaps, suicidal, etc; or those under eighteen (18) years of age suspected of being a runaway.

II PROCEDURES

1 MISSING PERSONS; REPORTING

1.1 WAITING PERIOD

Due to the critical nature of missing person complaints, the Toledo Police Department DOES NOT have a waiting period before a person can be reported missing.

1.2 REPORTING

When Communications Bureau personnel receive a missing person complaint, a uniformed unit shall be dispatched to take an INCIDENT REPORT.

1.2.1 All reports dealing with missing persons shall be titled MISSING PERSON.

1.2.2 All reports (original) shall be made out in the same manner as any other Incident Report and shall list the missing person as the INVOLVED.
(CALEA 41.2.6a)

1.2.3 A SUPPLEMENTAL CRIME REPORT (TPD FORM 38.3) shall be completed by the reporting officer in cases involving unusual circumstances. The SUPPLEMENTAL CRIME REPORT is required for entry of adult missing cases into LEADS and/or NCIC. (CALEA 41.2.6c)

- The SUPPLEMENTAL CRIME REPORT shall contain the stated conditions for the belief that the person is missing under unusual circumstances.

- The reporting person must sign the SUPPLEMENTAL CRIME REPORT.

1.2.4 Typical documentation to be included in a SUPPLEMENTAL CRIME REPORT for cases involving an adult missing under unusual circumstances:

- A physician or other authoritative source corroborating the missing person's physical or mental disability.
- A parent, legal guardian, next of kin, or other authoritative source advising that the missing person is in the company of another

401.18 MISSING PERSONS

person under circumstances indicating his/her physical safety is in danger, or

- A parent, legal guardian, next of kin, or other authoritative source advising that the person's disappearance is not voluntary.

1.2.5 All personnel completing INCIDENT REPORTS regarding missing juveniles shall obtain all available information related to the disappearance.

- A complete description of the juvenile shall be obtained, to include the child's correct **date of birth** and **social security number**.
- Reporting personnel shall also make every attempt to determine whether or not a **dentist** has ever seen the child, and if so, shall obtain the **dentist's name**. Dental information shall be entered in the NARRATIVE section of the INCIDENT REPORT. If the dental information, date of birth or social security number is unavailable, these facts shall be documented in the NARRATIVE section as well. The officer or clerk completing the missing person report MUST provide a brief explanation as to why the information is unavailable. (CALEA 41.2.6a)

- Investigators assigned to missing juvenile cases shall obtain all information related to the child's disappearance that was not immediately available to the reporting officer or clerk. Documentation in the form of a SUPPLEMENTAL CRIME REPORT shall be forwarded to the Records Bureau when an investigator obtains additional or different information regarding the juvenile's date of birth, social security number or dental records. Again, an explanation shall be provided when this information is unavailable.

- Investigative Services personnel shall ensure dental records are obtained and forwarded to the Records Bureau **within 30 days** of a juvenile's reported disappearance. If dental records cannot be obtained, a SUPPLEMENTAL CRIME REPORT shall be completed listing reasons why the dental records cannot be located.

- Records personnel shall enter all dental information into LEADS as soon as it is provided by investigators. Investigators shall immediately remove missing juveniles from LEADS who subsequently reach the age of eighteen. Consideration should then be given to re-entering the missing person as an adult.

(CALEA 41.2.6c and 41.2.6f)

1.2.6 The SUPPLEMENTAL CRIME REPORT and an INCIDENT REPORT shall be delivered to the Records Bureau as soon as possible.

1.3 FIELD OPERATIONS

Before completing any missing person report, the responding officers shall:

1.3.1 Notify the Records Bureau, by telephone, to obtain a Records Bureau number for the report and for NORIS/LEADS/NCIC entry and local broadcast purposes. (CALEA 41.2.6c)

1.3.2 Notify the Investigative Services desk.

1.3.3 Collect any runaway or suicide note that may have been left by the missing person and document its collection in the report. All notes shall be handled as evidence as directed in the Department Manual.

(CALEA 41.2.6b)

1.4 INVESTIGATIVE SERVICES DESK

When notified of a missing complaint, desk personnel shall:

1.4.1 Complete a blue MISSING PERSON FORM (TPD FORM 31.3).

1.4.2 Log the entry into the Investigative Services Missing Person Database.

1.5 RECORDS BUREAU

Authorized Records Bureau personnel shall be responsible for entering missing persons information into NORIS/LEADS/NCIC data files, to include the reporting person's phone number, as soon as possible. The Records Bureau shall also be responsible for the transfer of missing person information to all appropriate PIDs and to the Communications Bureau for "General Broadcast."
(CALEA 41.2.6c)

1.6 CANCELING MISSING PERSONS

When an Operations unit cancels a missing person report, notification shall be made to the Investigative Services desk and the Records Bureau.

1.6.1 Desk personnel shall make the appropriate entry into the Investigative Services Missing Persons Database canceling the missing person report.

1.6.2 Phone calls from the person reporting, parents or other family members concerning the cancellation of a missing person report, shall also be directed to the Investigative Services desk.

2 MISSING PERSON; FIELD SEARCHES

2.1 FIELD SEARCHES

An Operations supervisor shall be notified by the responding units in cases of missing persons involving one of the following:

2.1.1 A child age thirteen (13) or under; or
(CALEA 41.2.6f)

2.1.2 Any other person who is reported missing involving extenuating circumstances, e.g., persons with mental or physical handicaps.
(CALEA 41.2.6g)

2.1.2(a) After being notified of these circumstances, the supervisor shall make a determination of whether a field search should be conducted.

- If it is determined a field search is necessary, the supervisor shall first order a thorough search of the missing person's premises and surrounding areas by uniformed officers.
- Whenever possible, an investigator shall assist in the search.
- All search activities shall be under the supervision of the on-scene supervisor.
- The supervisor shall ensure a log is kept noting the date, time, units/officers involved and the areas searched. The log shall be passed on to relieving shift personnel for continuity of the search and review purposes, if necessary.
- The Operations supervisor shall arrange for the proper relief of uniformed personnel during shift change for continuation of search activities. (CALEA 41.2.6e)

401.18 MISSING PERSONS

2.1.2(b) All search activities shall be continued until one of the following occurs:

- The person reported missing is located; or,
- The on-scene supervisor has determined all possible leads have been exhausted. (CALEA 41.2.6f, 41.2.6g and 46.2.5)

3 INVESTIGATION OF MISSING PERSONS

The Missing Persons Office has the responsibility of investigating all missing person reports filed with the department. The extent of the investigations shall be determined by the concerned Persons investigator.

3.1 The Persons Investigations supervisor shall be responsible for:

- Reviewing all new missing person reports.
- Making cancellation notification to the Records Bureau by ensuring the original blue MISSING PERSON FORM (TPD FORM 31.3) is placed in the Records Bureau box at the Investigative Services desk. (CALEA 41.2.6c)

3.2 The assigned Missing Persons investigator shall be responsible for:

- Interviewing the reporting person to obtain necessary information and obtaining a picture of the missing person. (CALEA 41.2.6d)
- Maintaining an up-to-date case file containing the INCIDENT REPORT and any other pertinent information and placing the file in the Missing Persons file cabinet.
- Contacting the appropriate School Resource Officer to forward information regarding school-aged missing persons.

3.3 The concerned School Resource Officer or Police Records Clerk shall be responsible for notifying the assigned investigator of any pertinent information concerning the missing juvenile.

4 AMBER ALERT (CALEA 41.2.1f)

The AMBER Plan is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. Broadcasters use the Emergency Alert System (EAS) to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.

Per the OHIO AMBER PLAN, the criteria that must be met to activate an Amber Alert are:

- the child must be 17 years of age or younger;
- the child must be in immediate danger of serious bodily harm or death;
- there must be enough descriptive information about the child, the suspect, and/or the circumstances surrounding the abduction to believe that activation of the alert will help in locating the child;
- the activation must be recommended by the local law enforcement agency of jurisdiction; and
- the activation is not to be used for runaway children or family abductions unless the investigation determines that the child is in immediate danger of serious bodily harm or death.

4.1 OFFICERS' RESPONSIBILITIES

MISSING PERSONS 401.18

When officers become aware that a child is missing and have completed an initial investigation confirming that an abduction has taken place and the criteria have been met, they must immediately:

- 4.1.1 Make a radio broadcast consisting of available information about the description of the missing child, the suspect(s), any vehicle involved and possible whereabouts or destination.
- 4.1.2 Contact the on-duty Investigations Bureau (IB) supervisor (who will determine if an Amber Alert should be initiated).
- 4.1.3 Complete a crime report detailing the circumstances surrounding the incident.
- 4.1.4 Obtain a photograph of the missing child if possible.

4.2 SUPERVISOR'S RESPONSIBILITIES

- 4.2.1 Ensure the on-duty Investigations Bureau (IB) supervisor has been notified.

4.3 INVESTIGATIONS BUREAU SUPERVISOR'S RESPONSIBILITIES

When the on-duty IB supervisor receives information that a child has been abducted and the criteria for an Amber Alert have been met, he shall immediately:

- 4.3.1 Complete an Amber Alert form and FAX it to the Lucas County Sheriff's Office (LCSO) 9-1-1 supervisor.
- 4.3.2 Call the LCSO 9-1-1 Operations Center to ensure that the FAX was received (LCSO is responsible for activating the Emergency Alert System [EAS]).
- 4.3.3 Notify the on-duty Records Bureau supervisor of the activation of an Amber Alert.
- 4.3.4 Ensure that surrounding law enforcement agencies are notified and prepare a TRAK flyer to be distributed to agencies and media in areas where the child might be recovered.
- 4.3.5 IF THE CHILD IS RECOVERED:
 - 4.3.5(a) Complete a "Cancel – Amber Alert" form and FAX it to LCSO 9-1-1 supervisor.
 - 4.3.5(b) Call the LCSO 9-1-1 Operations Center to ensure that the FAX was received (LCSO is responsible for canceling the EAS).
 - 4.3.5(c) Notify the on-duty Records Bureau supervisor.

4.4 RECORDS BUREAU SUPERVISOR'S RESPONSIBILITIES

- 4.4.1 Complete a LEADS formatted Amber Alert entry.
- 4.4.2 Complete a "missing person involuntary" (EMI) entry in LEADS.
- 4.4.3 IF THE CHILD IS RECOVERED:
 - 4.4.3(a) Cancel both the LEADS Amber Alert and EMI entries.

5 A CHILD IS MISSING (ACIM)

ACIM is a non-profit public/private partnership that uses high-tech telephony to support local law enforcement. When reported to ACIM, a recorded message is delivered with case details asking residents to be on the lookout for a missing child, an elderly adult (often with Alzheimer's), or mentally challenged or disabled individual. The system can generate up to 1,000 alert calls per minute.

401.18 MISSING PERSONS

- 5.1 The ACIM system may be activated when the person missing is considered to be endangered or at risk:
 - A child age thirteen (13) or under.
 - An elderly person (Suffering from Alzheimer's or who is over the age of 65).
 - A disabled person (in danger).
 - A mentally challenged person (in danger).
 - Any person who is reported missing, involving extenuating circumstances.
- 5.1.1 The ACIM system may be activated only with the approval of an Operations supervisor.
- 5.1.2 The ACIM system should not be used for a habitual runaway unless exigent circumstances exist (i.e., foul play).
- 5.1.3 The ACIM system should only be activated during the hours of 7am to 9pm. However, the system is available 24 hours a day if special circumstances arise.
- 5.1.4 Prior to contacting ACIM, the officer shall contact the on-duty supervisors of the Investigations and Communications Bureaus and advise them of the plan to activate the ACIM system.
 - 5.1.4(a) The Investigations supervisor shall ensure that the Investigations desk is properly staffed to handle incoming calls.
 - When necessary, Operations and Investigations personnel may be utilized to assist in answering the contact telephone.
 - 5.1.4(b) Any pertinent information received shall be immediately forwarded to the officer or the Operations supervisor.
- 5.1.5 To activate the system, the officer must contact ACIM by telephone.
 - 5.1.5(a) The officer reporting the missing person will be asked to provide the following information:
 - Reporting agency.
 - Officer's name and a contact phone for the officer (i.e., District Station's Operations Desk, Box operator or officer/command cell phone).
 - Report number.
 - Name, address and description of missing person.
 - Date and time last seen.
 - Location last seen, zip code and search area.
 - TPD phone number for citizens to report sightings. This is the Investigations Desk, 419-245-3142.
 - Any other questions that the ACIM technician may have.
- 5.2 When necessary, the Operations supervisor shall pass the case and all pertinent information on to the next shift's Watch Commander.
- 5.3 If the missing person is found, the responsible Operations supervisor or his designee shall immediately notify ACIM.
 - 5.3.1 A Case Follow-Up Report will be faxed to the department by ACIM.
 - 5.3.2 The Operations supervisor or his designee shall complete the follow-up report and fax it back to ACIM.
 - 5.3.3 A copy of the form shall be forwarded to the appropriate district commander and a copy of the form shall be forwarded to the Records Bureau to be included in the case file.
- 5.4 The ACIM system may be utilized in conjunction with the Amber Alert system.
- 5.5 The ACIM system may also be activated when an individual is found, who because of their condition is unable to identify themselves and is at risk (e.g., very young child, elderly adult with Alzheimer's, unconscious individual).

EXECUTIVE SUMMARY

Virginia Beach, Virginia - Requirements Related to Missing Persons

Introduction

The Code of Virginia (the "Statutory Requirements") establishes the requirements that law enforcement agencies within the Commonwealth of Virginia must comply with in relation to missing persons. In addition, the Virginia Beach Police Department General Order Chapter 11 – Patrol Operations ("VPDGO") provides specific guidelines and procedures the Virginia Beach Police Department ("VBPD") must follow when an adult is reported missing.

State Law Requirements

The Statutory Requirements mandate the sheriff or chief of police of every locality to: (i) maintain missing person reports and (ii) initiate an investigation for missing seniors immediately, but in all cases within two hours of receiving the report. The Statutory Requirements do not provide standards or protocol for the Virginia State Police ("VSP") to follow for a missing adult that is not a senior adult.

Local Requirements

The VPDGO outlines procedures for reporting and investigating missing persons. It outlines the following: (i) the definition of an "at risk" missing person; (ii) the policy of the VBPD; (iii) the preliminary investigative guidelines when reports of missing persons are received; (iv) reporting procedures for the officer who receives the missing person report; (v) follow-up investigation procedures; and (vi) debriefing of the missing person when they are located.

Under the Statutory Requirements, the VSP are required to establish uniform standards for the local police departments to follow for the Virginia Senior Alert Program (the "Senior Alert"). A missing senior adult is an adult whose whereabouts are unknown, is over 60 years of age, suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance, and whose disappearance poses a credible threat to the health and safety of the adult.

Local Law-Enforcement Agencies, agencies that are in the jurisdiction where the missing person resides, may voluntarily establish or participate in a Senior Alert. The initial decision to commence a local Senior Alert is at the discretion of the Local Law-Enforcement official. The decision to make a regional or statewide Senior Alert is within the discretion of the VSP. The Senior Alert is activated when a notice of a missing senior adult is received by the Local Law-Enforcement Agency. The Local Law-Enforcement Agency then notifies the VSP. The VSP then initiate the Senior Alert. Local broadcasting, computer and software based systems are notified when the Senior Alert is initiated. The Senior Alert must include descriptive

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

information about the missing senior and any other information that will assist in their safe recovery.

Comparison of Requirements for Virginia Beach Police Department and Requirements for Cleveland Division of Police

Overall, the Ohio Revised Code ("ORC") has more requirements for the state police regarding missing persons than the Statutory Requirements of Virginia. Under the ORC, the Ohio Attorney General is required to publish and distribute best practices for Law Enforcement Agencies addressing missing persons in Ohio. The Statutory Requirements of Virginia instead focus more on missing senior adults rather than missing adults in general. The Statutory Requirements of Virginia give specific protocol for missing senior adults and have enacted a Senior Alert Program to facilitate the recovery of older adults. The VSP are required under the Statutory Requirements to establish uniform standards for the Local Law-Enforcement Agencies if a missing senior is reported. This type of program is not present for missing adults in general. The ORC defines missing adults while the Statutory Requirements of Virginia do not. The definition of a missing senior adults, however, is defined in the Statutory Requirements.

The Cleveland Division of Police General Police Order ("GPO") has a more comprehensive missing person investigation procedure than the VPDGO as well. The GPO gives officers exact steps to follow in the event of a missing adult and also specifies who is to be notified and how investigations should commence. The GPO also organizes the contacts that the investigating officer must make when a missing person report is found. The VPDGO specifies that a supervisor and the Investigative Division should assume responsibility in the event of an "at risk" missing adult but does not have special provisions in the event of a missing adult. An "at risk" missing person is any person, either a juvenile or adult, whose whereabouts are unknown and whose continued absence poses a significant health or safety concern for that person or others. If a missing person is not "at risk" the VPDGO states that the reporting officer should report the incident using a standardized form and investigate possible leads about the missing person. No special division is called to investigate in this instance.

SUMMARY

Virginia Beach, Virginia - Requirements Related to Missing Persons

Background Information on Virginia Beach, VA

The population of Virginia Beach, VA is 434,163. U.S. Census Bureau estimate from July 1, 2008. The Virginia Beach Police Department ("VBPD") employs 812 officers. Virginia Beach Police Department 2008 Annual Report. In 2008, 336 missing person reports were filed in Virginia Beach. Id. During 2007, the number of missing person reports filed were 399. Virginia Beach Police Department 2007 Annual Report.

Sources of Authority Regarding Virginia Requirements Related to Missing Adults

The Code of Virginia Section 15.2 (the "Statutory Requirements") is the source of authority that establishes the requirements that Local Law-Enforcement Agencies, agencies that are in the jurisdiction that the missing person resides, must comply with in relation to missing persons. In addition, the Virginia Beach Police Department General Order Chapter 11 – Patrol Operations ("VPDGO") provides the specific guidelines and procedures the Virginia Beach Police Department ("VBPD") must follow when an adult is reported missing. All sources referenced in this Summary are attached.

The State Law Requirements

The sheriff or chief of police of every locality is required under the Statutory Requirements to maintain all missing persons records through noncriminal incident records.¹ The Statutory Requirements do not specify protocol necessary when a missing adult is reported, but do provide specific instructions when missing *senior adults* are reported.

A. Missing Senior Adults

Under the Statutory Requirements, a missing senior adult is an adult: (i) whose whereabouts are unknown; (ii) is over 60 years of age; (iii) who suffers a cognitive impairment to the extent that he is unable to provide care to himself without assistance from a caregiver, including a diagnosis of Alzheimer's Disease or dementia; and (iv) whose disappearance poses a credible threat as determined by a law-enforcement agency to the health and safety of the adult and under such other circumstances as deemed appropriate by the Virginia State Police ("VSP").

Under the Statutory Requirements, no police or sheriff's department is allowed to maintain or establish a policy which requires a waiting period before accepting a missing senior adult report. If a missing senior adult report is received by any police or sheriff's department, the department must immediately, but in all cases within two hours of receiving the report: (i) enter identifying and descriptive data about the senior adult into the Virginia Criminal Information

¹ "Noncriminal incidents records" means compilations of noncriminal occurrences of general interest to law-enforcement agencies, such as missing persons, lost and found property, suicides and accidental deaths.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Network and the National Crime Information Center Systems ("NCIC"); (ii) forward the report to the VSP; and (iii) notify all other law-enforcement agencies in the area and initiate an investigation of the case.

B. Virginia Senior Alert Program

The Virginia Senior Alert Program (the "Senior Alert") is activated when an elderly adult that meets the classifications listed above is reported missing. Under the Statutory Requirements, the VSP must establish uniform standards for the Senior Alert which are to be followed throughout the state by Local Law-Enforcement Agencies. Under the Statutory Requirements, the VSP must:

- inform Local Law-Enforcement Agency officials of the policies and procedures to be used for the Senior Alert;
- assist in determining the geographic scope of a particular Senior Alert;
- establish procedures and standards by which the Local Law-Enforcement Agency shall verify that a senior adult is missing and report this information to the VSP.

Senior Alerts may be local, regional, or statewide. The initial decision to make a local Senior Alert is left to the discretion of Local Law-Enforcement Agency officials. Prior to making a local Senior Alert, the Local Law-Enforcement Agency must confer with the VSP and provide information regarding the missing senior adult to the VSP. The decision to make a regional or statewide Senior Alert is within the discretion of the VSP.

Once the VSP have been informed of the missing senior adult, they must: (i) confirm the accuracy of the information; and (ii) provide assistance in the activation of the Senior Alert.

Local broadcasting, computer and software based systems are notified of the missing senior adult when the Senior Alert is initiated. The Senior Alert must include descriptive information about the missing senior and any other information that will assist in the safe recovery of the missing senior adult. The information is transmitted between public safety agencies and the media who, in turn, transmit information to the public. If the missing senior adult is located, the Senior Alert will be cancelled.

Local Requirements

The Virginia Beach Police Department General Order Chapter 11 – Patrol Operations ("VPDGO") establishes procedures for the reporting and investigation of missing persons. While the Statutory Requirements are not detailed for procedure to follow when an adult is missing, the VPDGO provides more detailed information.

Policy: It is the VBPD's goal to provide a timely response, reporting and investigating the calls involving a missing adult and to assist in providing for the health, safety and welfare of those individuals.

Preliminary Investigation Guidelines For Adults: The officer must conduct a preliminary investigation, which includes: (i) an interview with the reporting person; and (ii) any documentation of initial attempts made by the reporting person or the officer to locate the victim.

If the victim is deemed to be missing, the officer must: (i) issue a local or regional be on the lookout bulletin ("BOL"); and (ii) report the incident in accordance to the reporting procedures (contained below).

If the victim is believed to be at risk, the reporting officer must: (i) contact a supervisor who will determine the extent of immediate action to be taken; and (ii) contact the Investigative Division of the Runaway/Missing Persons Unit ("MPU") to commence an investigation. The MPU is a detective division of the VBPd that investigates reports of missing persons.

The VPDGO defines "at risk" as any person, either a juvenile or an adult, whose whereabouts are unknown and whose continued absence poses a significant health or safety concern for that person or others. Examples include, but are not limited to: the elderly, including Alzheimer's patients, and subjects who are either homicidal or suicidal.

Reporting Procedures: The reporting officer should report missing persons according to the following:

- There is no required amount of time that must elapse prior to reporting someone as missing.
- All missing persons' reports will be taken immediately utilizing a standardized report form (the "IBR (PD-18)"), to ensure complete and accurate descriptors are collected. A complete physical description and any possible leads on the whereabouts of the missing person must be included in the narrative of the IBR (PD-18).
- An NCIC Clerk, an administrator who enters all NCIC information, will enter missing persons under the age of 21 into the NCIC system at the time the report is taken by the officer. This information is given to the NCIC Clerk by the officer reporting the missing adult. If the person missing is under the age of 21, the officer will complete the Affidavit for Missing Person Age 18 or Over and list "other" as the applicable condition. The reporting officer must also request the signature of the reporting person.
- An NCIC Clerk will enter missing persons over the age of 21 only when the Affidavit for Missing Person Age 18 and Over is completed and signed by the reporting person. A specific time period for entering this information into the NCIC system is not specified.
- Any missing person report will be listed as the primary offense and will be a stand-alone report. No other offenses will be placed on the missing persons report.

- All missing person reports will be classified as pending active and forwarded to the Investigative Division of the MPU. Only the assigned Investigative Division is authorized to clear the report.
- The reporting officer will submit a separate report for each victim.

Follow-up Investigations: Once investigative personnel have been assigned cases involving missing individuals, the follow-up investigation will continue and the investigator will be mindful of the following procedural issues:

- In the case of "at risk" missing adults, the investigator may be called to the scene immediately in order to ensure prompt and appropriate search for these individuals.
- Additional and pertinent information may be obtained by the investigator by contacting the reporting person.
- Leads as to the whereabouts of the missing person will be pursued either by the investigator assigned to the case, or coordinated by the investigator utilizing patrol officers.
- Missing person reports must be maintained in the department's Records Management System. The Investigative Division of the MPU must maintain the original written copies of the IBR (PD-18) with a photograph, if available.
- Detectives may disseminate to regional law enforcement agencies or the media information they deem necessary for investigative action.
- When the missing person is located, the investigator will cancel all NCIC entries and teletypes as well as the BOL previously issued to the E911 Emergency Communication Division.
- Through the debriefing interview process, additional information may be obtained providing evidence of further serious crimes committed by, or against, the missing person. Pertinent and substantive information learned from these debriefings will be referred to the appropriate agency (i.e., Special Investigations, Social Services, etc.)

Debriefing of the Missing Person: After locating a missing person, an appropriate follow up interview will be conducted by the assigned investigator seeking information regarding the following:

- The location(s) that the missing person most frequented;
- Criminal activity committed or witnessed by the missing person; and
- The need for follow up services by the court system or social service agencies.

The results of the debrief interviews and the actions taken shall be documented by the assigned investigator on the IBR (PD-18).

Comparison Between Virginia Beach, Virginia and Cleveland, Ohio

Similarities exist between the VPDGO and the Cleveland Division of Police General Police Order ("GPO"), but the Statutory Requirements of Virginia are extremely distinct. Most of the Ohio Revised Code ("ORC") requirements for law enforcement agencies cannot be found in the Statutory Requirements of Virginia. Overall, the ORC has more requirements for state police regarding missing persons than the Statutory Requirements of Virginia. The distinct differences between the VBPD and the Cleveland Division of Police ("CPD") are outlined below.

I. VBPD has a Specialized Investigative Unit Dedicated to At Risk Missing Persons

Unlike the CPD, the VBPD has created a specialized MPU. The MPU of the Investigative Division begins investigating if the person reported missing is an "at risk" missing person. A person is "at risk" if their whereabouts are unknown and the absence poses a significant health or safety concern for that person or others. Some of the examples of an at risk person includes those who are homicidal or suicidal, elderly, or Alzheimer's patients.

II. Virginia Law has enacted a Senior Alert Program


Unlike Ohio, the Statutory Requirements of Virginia require a Senior Alert if a senior adult who is over 60 years of age and suffers a cognitive impairment that poses a risk to their health is reported missing. Ohio statutes do not have a Senior Alert Program, but do have a Missing Adult Alert which can include adults that are not elderly if their disappearance poses a credible threat of immediate danger. While both the Senior Alert and the Missing Adult Alert target elderly adults, the Statutory Requirements of Virginia provide more detailed and comprehensive instructions when a senior adult is reported missing.

III. Virginia Law Does Not Define Missing Person

Unlike ORC, The Statutory Requirements of Virginia do not define "missing person". The definition of missing senior adult however is defined in the Statutory Requirements of Virginia. According to the VBPGO, the MPU is required to investigate only if a missing senior or "at risk" person is reported missing. The MPU is not required to investigate if the missing person does not meet this criteria. If the missing person is neither a senior nor "at risk", the MPU does not intervene and a reporting officer conducts the investigation. The missing officer issues a "be on the lookout" bulletin and reports information regarding the missing person in a standardized report. The information gathered is then entered into the NCIC.

IV. The GPO Utilizes a More Detailed Procedure for Missing Adults than the VPDGO

The GPO utilizes a Missing Person Liaison upon the receipt of a missing person report. Also the investigating officer has a list of officials that must be contacted, such as the Warrant Unit, The Report Intake/Review Unit, the Coroner's office, etc. None of these requirements are found in the VPDGO. The GPO requires the investigating detective to obtain the dental records of the missing person and forward them to the Missing Person Liaison. This also is not required by the VPDGO.

	Operational General Order	11.04 Missing Persons	PAGE 1 OF 5
	SUBJECT Virginia Beach Police Department General Order Chapter 11 - Patrol Operations		EFFECTIVE DATE 09/01/2009
			ORIGINATOR/REVIEW Uniform Division
	DISTRIBUTION ALL	CALEA: 41.2.5, 41.2.6	
BY THE AUTHORITY OF THE CHIEF OF POLICE:			

Purpose

To establish procedures for the reporting and investigation of missing persons.

Definitions

Missing Child - Any person who is under the age of 21 years, whose temporary or permanent residence is in Virginia, or is believed to be in Virginia, whose whereabouts are unknown to any parent, guardian, legal custodian or other person standing in loco parentis of the child, and who has been reported as missing to a law enforcement agency within the Commonwealth.

Runaway - A juvenile whose absence by the totality of the circumstances can be determined to be voluntary

Abandoned child - A juvenile, whose whereabouts are either known or unknown, is believed to be endangered or in need of assistance to ensure his safety.

Abducted child - A juvenile, who is believed to have been taken unwillingly from their environment without permission from the child's parent or legal guardian by either a stranger or a family member.

At Risk - Any person, either an juvenile or an adult, whose whereabouts are unknown and whose continued absence poses a significant health or safety concern for that person or others. Included, but not limited to: the elderly, including Alzheimer's patients; subjects who are either homicidal or suicidal.

Policy (CALEA 41.2.6 A)

It is the policy of the Virginia Beach Police Department to provide for the timely response, reporting and investigation to calls involving a missing child or adult; runaway; abandoned, abducted, unidentified or other missing children; or at-risk persons and to assist in providing for the health, safety and welfare of these individuals.

Preliminary Investigative Guidelines (CALEA 41.2.5 A, B, 41.2.6 A, E)

Officers shall be cognizant of the following when receiving reports of missing persons:

Missing Persons:

- Juveniles: Careful preliminary investigation by the reporting officer is required in order to make distinctions between runaways and missing juveniles. Unless the complaining parent or guardian has reason to believe that the child has run away or the reporting officer finds good reason to

consider the child as such, a missing person report should be filed and a supervisor contacted in order to determine the extent of immediate action to be taken.

If the missing child is under twelve years of age or is at risk, the supervisor shall contact the Runaway/Missing Persons Unit supervisor and jointly reach a decision on the appropriate action to be taken to ensure that a maximum effort is made to locate the child, to include immediate entry in to the NCIC system, issuance of local or regional be on the look out bulletins (BOL's), or the notification of supporting agencies. If the Runaway/Missing Persons Unit supervisor is not available, any available Investigative Division supervisor shall be notified of the situation.

- Adults: The officer shall conduct a preliminary investigation, which includes an interview with the reporting person and the documentation of initial attempts to locate the victim. If the victim is deemed to be missing, the officer shall issue a local or regional BOL and report the incident in accordance with the below listed procedures. If the victim is believed to be at risk, the reporting officer shall contact a supervisor who will determine the extent of immediate action to be taken and contact the Investigative Division to assume responsibility for the investigation. *be on the lookout*
- Runaways: When a runaway is reported, the patrol officer shall conduct an initial investigation, broadcast a BOL and submit reports in accordance with the below listed reporting procedures. Be on the Lookout bulletins will be broadcast by E911 Emergency Communications Division personnel upon receipt and over all uniformed precinct frequencies. The reporting officer shall then provide the complaining parent with an information sheet (PD-143), which provides the answers to common questions concerning the runaway child. It is the responsibility of each patrol officer to read and understand this information sheet and the procedures described therein, in order to provide quality information to the parents of runaway children.

Reporting Procedures (CALEA 41.2.5 C, 41.2.6 C, E)

The reporting officer should report missing persons or runaways in accordance with the following:

- There is no required amount of time that must elapse prior to reporting someone as missing or having runaway.
- All runaway or missing persons' reports will be taken immediately utilizing an IBR (PD-18), to ensure complete and accurate descriptors are collected. A complete physical description and any possible leads on the whereabouts of the runaway / missing person shall be included in the narrative of the IBR (PD-18).
- Runaways and missing persons under the age of twenty-one will be entered into the NCIC system by the NCIC Clerk at the time the report is taken by the officer. Parental consent is not required. Officers reporting missing adults under the age of twenty-one will complete the Affidavit for Missing Person Age 18 or Over, list "other" as the applicable condition and request the signature of the reporting person. The Affidavit for Missing Person Age 18 or Over is located on page 6 (Runaway / Missing Persons) of the IBR (PD-18).
- Missing Persons over the age of twenty-one will be entered into NCIC by the NCIC Clerk only when the Affidavit for Missing Person Age 18 or Over is located on page 6 (Runaway / Missing Persons) of the IBR (PD-18) is completed and signed by the reporting person.
- Any runaway or missing person report will be listed as the primary offense and will be a stand-alone report. No other offenses will be placed on a runaway or missing persons report.

- All runaway or missing persons' reports will be classified as pending active and forwarded to the Investigative Division. Only the assigned Investigative Division Investigator is authorized to clear the report.
- The reporting officer will submit a separate report for each victim.

Abducted Children

Upon the discovery that a child has been abducted, by either a parent or a unknown person/s, the assigned officer shall notify a supervisor who will determine the need for an immediate response and contact the Investigative Division. Investigative Division personnel will assume responsibility of the investigation and determine the need to implement an Amber Alert.

Patrol officers and Supervisors shall be aware of the following regarding the activation and approval for implementing the Amber Alert Protocol. Only an Investigative Division Supervisor, in accordance with written protocol, may issue an Amber Alert

Criteria for Activation of Amber Alert (CALEA 41.2.6 D)

1. The missing child must be 17 years of age or younger and there is a belief that the child has been abducted.
2. There is a belief that the missing child is in imminent danger of serious bodily harm or death.
3. There has been investigation that verified that the abduction has taken place or eliminated alternative explanations for the disappearance of the child.
4. Sufficient information is available to disseminate to the public that could assist in locating the child, suspect, and/or the suspect's vehicle.
5. The child must be entered into the Virginia Criminal Information Network (VCIN) and the National Crime Information Center (NCIC) as soon as possible.
6. The Amber Alert Plan will not be activated for runaways or parental abductions unless there is a threat of serious bodily injury or death to the child.
7. Activation of the Amber Alert Plan will be in accordance with the guidelines established by Virginia's AMBER Alert plan.

Abandoned Children / Lost Children / Located Runaways (CALEA 41.2.6)

Officers who locate abandoned, lost, or runaway children shall immediately provide for the safety of the child and provide for medical attention if necessary.

Officers shall conduct a preliminary investigation into the circumstances surrounding the location of abandoned children to include the location of evidence associated with the abandonment, or witnesses. Officers will notify a supervisor and arrange for the investigation of the case to be assumed by the Investigative Division and the Virginia Beach Department of Social Services.

Officers shall make preliminary attempts to locate the parents or guardian of lost children and attempt to reunite the family. In the event that the parents or guardian cannot be located, the officer shall contact a supervisor, and arrange for intervention by the Virginia Beach Department of Social Services.

Officers locating runaway children shall notify the investigator assigned to the case, and check for pick-up orders via the E 911 Emergency Communications Division. If pick-up orders are not on file, the officer will arrange for the return of the runaway to his / her parents or guardians.

Seton Youth Shelters Referral

Seton Youth Shelters serves as a consistent referral service for youth and families who that have experienced a runaway episode or at risk youths. Priority for emergency shelter will be given to youth between the ages of 9 to 17 years of age who are referred by the Virginia Beach Police Department. Departmental personnel will provide the youth and parent and/or guardian with a PD 143 that will list both the services offered by Seton Youth Shelters and their contact numbers. Crisis Intervention Services and Emergency Shelter services will be offered to any Child in Need of Services (CHINS) youth in the care of Virginia Beach Police where the parent/legal guardian is currently unavailable and/or where the parent/legal guardian and the youth agree to seek the services offered by Seton Youth Shelters. In such cases, officers may transport the youth to the appropriate shelter as identified by Seton Youth Shelters.

Follow up Investigations (CALEA 41.2.5 C, E, F, 41.2.6 E)

Once Investigative personnel have been assigned cases involving runaways or otherwise missing individuals, the follow up investigation will continue and the investigator will be mindful of the following procedural issues:

- In cases of missing children under the age of 12, or at risk missing adults or children, the investigator may be called to the scene immediately in order to ensure prompt and appropriate search for these individuals.
- Additional and pertinent information may be obtained by the investigator by contacting the reporting person.
- Leads as to the whereabouts of the runaway / missing person will be pursued either by the investigator assigned to the case, or coordinated by the investigator utilizing patrol officers.
- Runaway or missing person reports shall be maintained in the department's Records Management System. ☒ The Missing Persons Unit of the Investigative Division shall maintain the original written copies of the IBR (PD-18) reflecting the signature of the parent or guardian and a photograph, if available.
- Detectives may disseminate, to regional area law enforcement agencies, the National Center for Missing and Exploited Children, or the media information they deem necessary for investigative action, with the permission of a parent, guardian or person standing in loco parentis of a juvenile.
- If their investigation determines that the situation necessitates a Child in Need of Services (CHINS) petition, the investigator shall recommend that one be obtained by the child's parents or guardian. The investigator will continue to assist the family until the victim is located.
- When the runaway or missing person is located, the investigator will cancel all flyers, NCIC entries and or teletypes as well as the BOL previously issued to the E911 Emergency Communication Division.
- Through the debriefing interview process, additional information may be obtained providing evidence of further serious crimes committed by, or against, the child in question. Pertinent and substantive information learned from these debriefings will be referred to the appropriate agency; i.e., Special Investigations, Social Services, etc.

Debriefing of the Runaway or Missing Person (CALEA 41.2.6 F)

Upon locating a runaway or missing person an appropriate follow up interview will be conducted by the assigned investigator seeking information regarding the following:


- Conditions that prompted the runaway to leave
- The location(s) that the runaway frequented while missing
- Criminal activity committed or witnessed by the runaway
- The need for follow up services by the court system or social service agencies

The results of debrief interviews and the actions taken shall be documented by the assigned investigator on the IBR (PD-18).

**4 VIRGINIA BEACH
POLICE DEPARTMENT
2007 ANNUAL REPORT**

**ORGANIZATIONAL
CHART**

AS OF 12/31/2007



**CHIEF OF
POLICE**
A.M. "JAKE"
JACOBS, JR.

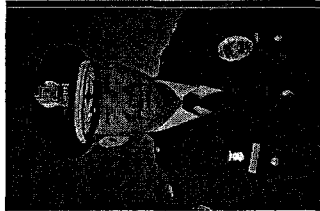
Executive
Assistant

Executive Aide
Lieutenant

Police
Chaplains

Liaison to Police
Chaplains

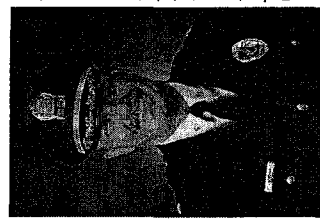
Public Information
Office



**DEPUTY
CHIEF
OPERATIONS
DIVISION**
DANIEL T.
MCGRATTAN



**SUPPORT
DIVISION
MANAGER**
CIVILIAN
C. THOMAS
MITCHELL

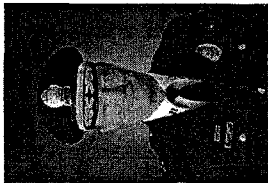


**DEPUTY
CHIEF
INVESTIGATIVE
DIVISION**
JAMES A.
CERVERA

Aide
Sergeant

Community
Service

Volunteers

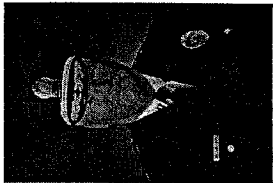


**PROFESSIONAL
STANDARDS
CAPTAIN**
WRAY S.
BOSWELL

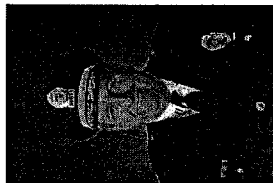


**PROFESSIONAL
DEVELOPMENT
& TRAINING
CAPTAIN**
MARIE T.
CHIARIZIA

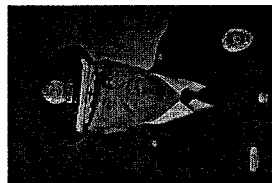
FIRST
PRECINCT
CAPTAIN
KENNETH M.
LOWE, JR.



THIRD
PRECINCT
CAPTAIN
STEVEN C.
SMITH



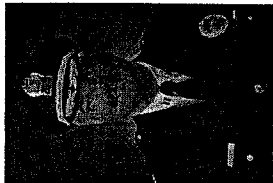
COMMAND
DUTY
CAPTAIN
FRANK
GENOVA JR.



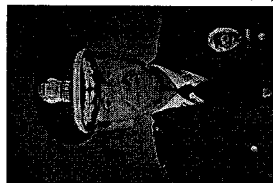
COMMAND
DUTY
CAPTAIN
MICHAEL J.
GLEDON



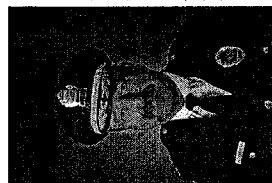
SECOND
PRECINCT
CAPTAIN
TONY F.
ZUCARO




FOURTH
PRECINCT
CAPTAIN
RAY W.
GREENWOOD
JR.



SPECIAL
OPERATIONS
CAPTAIN
RAY V.
EISENBERG



COMMAND
DUTY
CAPTAIN
KEVIN J.
PERRY



Financial
Support
Civilian

Planning
& Analysis
Civilian

Systems
Support
Civilian

Payroll
Civilian

Support Division
Lieutenant

Logistical
Support
Sergeant

Crime
Reporting Unit
Sergeant

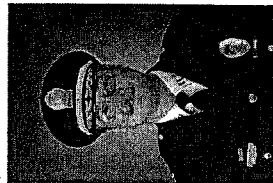
Records
Civilian

Animal
Control

Crime Prevention
Sergeant

Auxiliary
Police

SPECIAL
INVESTI-
GATIONS
CAPTAIN
DENNIS M.
SANTOS,
SR.



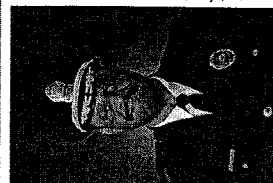
Intelligence

Interdiction

Narcotics

Vice

DETECTIVE
BUREAU
CAPTAIN
JOHN
BELL, JR.



Auto
Theft

Crime
Analysis

Forensics

Homicide

Pawn
Unit

Property
Crimes

Robbery

Warrants

Special
Victims

Economic Crime
Solvers

Domestic Violence
Missing Persons

EXECUTIVE SUMMARY

Warrensville Heights, Ohio – Requirements Related to Missing Persons

Introduction

There are three sources of authority that establish the requirements that the Warrensville Heights Police Department (“WHPD”) must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Warrensville Heights Police Department Training Task #28 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the WHPD’s statutorily required written policy. The steps that the WHPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below. The Department Policy is very terse and does not contain much information relating to the response and investigation of missing persons.

The Department Policy states that a responding officer should complete a missing person report form. The form should include a narrative that establishes the relationship between the reporter and the missing person, the circumstances under which the victim left or disappeared, and any close associates who may have information on the whereabouts of the missing person. The reporting individual should sign-off on the report.

The Department Policy states that there is no time period set before a missing person report can be filed. The responding officer should inform the reporting person that a missing adult will be entered into a computer system and if the person is located, he/she cannot be held, forced to return, or to explain whereabouts. Likewise, the reporting person should be advised to notify the WHPD if the missing person returns, so the computer entry can be removed. A computer entry should be made without delay.

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

**Comparison of Requirements for Warrensville Heights Police Department and
Requirements for Cleveland Division of Police**

The WHPD Department Policy is much less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

There are a few additional requirements present in the WHPD Department Policy that are absent from the Cleveland Policy. The reporting individual is advised that a missing adult cannot be held, forced to return or explain whereabouts. They are also advised to contact the department if the missing person is located. No such advisement is made under the Cleveland Policy.

Under the WHPD Department Policy, a reporting individual is to sign the report. The Cleveland Policy does not require a reporting individual to sign.

Given the brevity of the WHPD Department Policy, there are no other apparent differences in policies.

SUMMARY

Warrensville Heights, Ohio – Requirements Related to Missing Persons

According to the Warrensville Heights Police Department (“WHPD”), the WHPD employs 39 police officers. Warrensville Heights has a population of 15,109, according to the U.S. Census Bureau Estimate for 2000.

Sources of Authority Regarding Warrensville Heights Police Department Requirements Related to Missing Persons

There are three sources of authority that establish the requirements that the WHPD must comply with in relation to missing persons: (1) Ohio Revised Code sections 2901.31, 2901.41 and 2901.42 (the “Statutory Requirements”)¹; (2) the Ohio Attorney General’s Best Practices Protocol for Law Enforcement in Missing Persons Cases (the “OAG Best Practices Protocol”); and (3) the Warrensville Heights Police Department Training Task #28 (the “Department Policy”).

The Statutory Requirements and OAG Best Practices Protocol are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of persons reported missing. The Department Policy requirements are set forth below.

Local Requirements

The Department Policy is the WHPD’s statutorily required written policy. The steps that the WHPD follows when investigating a missing person case, as set forth in the Department Policy, are outlined below. The Department Policy is very terse and does not contain much information in relating to the response and investigation of missing persons.

The Department Policy states that a responding officer should complete a missing person report form. The form should include a narrative that establishes the relationship between the reporter and the missing person, the circumstances under which the victim left or disappeared, and any close associates who may have information on the whereabouts of the missing person. The reporting individual should sign-off on the report.

The Department Policy states that there is no time period set before a missing person report can be filed. The responding officer should inform the reporting person that a missing adult will be entered into a computer system and if the person is located, he/she cannot be held, forced to return, or to explain whereabouts. Likewise the reporting person should be advised to notify the WHPD if the missing person returns, so the computer entry can be removed. A computer entry should be made without delay.

¹ Ohio Revised Code Chapter 109 sets forth training requirements, including a requirement that the Ohio attorney general adopt rules governing the training of peace officers in the handling of missing person cases (among other types of cases).

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

**Comparison of Requirements for Warrensville Heights Police Department and
Requirements for Cleveland Division of Police**

The WHPD Department Policy is much less detailed than the Cleveland Division of Police policy (the "Cleveland Policy") and provides a less robust response to a report of a missing person.

There are a few additional requirements present in the WHPD Department Policy that are absent from the Cleveland Policy. The reporting individual is advised that a missing adult cannot be held, forced to return or explain whereabouts. They are also advised to contact the department if the missing person is located. No such advisement is made under the Cleveland Policy.

Under the WHPD Department Policy, a reporting individual is to sign the report. The Cleveland Policy does not require a reporting individual to sign.

Given the brevity of the WHPD Department Policy, there are no other apparent differences in policies.

WARRENSVILLE HEIGHTS POLICE DEPARTMENT
TRAINING TASK

TASK # 28: MISSING PERSON

I. Operational Procedure

A. Complete Missing Person Report Form

1. Narrative should establish the relationship between the complainant and the victim, the circumstances under which the victim left or disappeared and any close associates who may have information as to the possible whereabouts of the victim or additional information on the victims circumstances
 - a. No time period set to file a Missing Person Report
2. Advise the complainant of adult victim entry into the computer system
 - a. If adult is located, can not be held, forced to return or explain whereabouts
3. Advise the complainant of entry into computer system for juvenile victims
4. Advise the complainant of their responsibility to notify our department upon victims return(for cancellation of computer entry)
 - a. Should juvenile victim be located prior to returning home, an arrest would be made and our department would be contacted along with the complainant
5. Complete Missing Person Report and have the complainant sign sign-off form
6. Computer entry should be made without delay
7. The computer entry must be canceled upon locating the missing person
 - a. Upon return of juvenile, an Officer will respond to the residence and verify the return. An addition to the original report will be made concerning the return

I certify that I have been trained and demonstrated proficiency in the above Training/Task Topics:

Probationary Officer

Date

Field Training Officer

Date

**WARRENSVILLE HEIGHTS POLICE DEPARTMENT
TRAINING TASK**

TASK # 23: CRIME VS. PERSON INVESTIGATION

- I. Local Ordinance
 - A. Negligent Homicide/537.01
 - B. Vehicular Homicide/537.02
 - C. Assault/537.03
 - D. Negligent Assault/537.04
 - E. Aggravated Menacing/537.05
 - F. Menacing/537.06

- II. Operational Procedure
 - A. Observe Officer safety procedures while responding to location and approach to scene
 - B. Obtain necessary medical assistance based on the nature and severity of the injury
 - C. Provide first aid to injured as needed
 - D. Ascertain from victim, witnesses, complainant what happened
 - E. If the alleged offender is still on scene-apprehend. If the offender has fled, initiate proper dispatches to alert other units and agencies to attempt to apprehend the offender
 - F. Protect the crime scene as necessary to preserve evidence
 - a. Photographs
 - G. Notify Supervisor and obtain needed assistance
 - H. Interview victim if possible to ascertain what had occurred and how
 - I. What had the offender said during the commission of the crime
 - J. Locate and interview witnesses to the incident to obtain information on offender, vehicle, circumstances. Attempt to identify and locate offenders based on above information
 - K. Ensure Detectives are notified, if needed
 - L. Interview offender and obtain written statements if possible

- III. Special Considerations
 - A. Homicide
 - 1. Crime scene security, keep unnecessary personnel out
 - 2. Blood and body fluids-limit exposure to personnel by using protective clothing and equipment
 - 3. Weapons-Secure and make safe, while preserving evidential integrity
 - B. Kidnapping
 - 1. Abduction by stranger/acquaintance
 - 2. Parental abduction
 - C. Sex Offenses
 - 1. Hospital treatment
 - 2. Evidence collection
 - a. Clothes
 - b. Criminal Sexual Assault evidence collection kit
 - c. Photographs

WARRENSVILLE HEIGHTS POLICE DEPARTMENT
TRAINING TASK

TASK # 23: CRIME VS. PERSON INVESTIGATION

D. Bodily Harm

1. Nature and severity of injury
2. Weapons
3. Permanent, disfiguring or disabling injury
4. Photographs

E. Robbery

1. Armed/Unarmed
2. Weapon seen or implied
 - a. Description
3. Weapon used on or at victim
4. Evidence

*I certify that I have been trained and demonstrated proficiency in the above
Training/Task Topics:*

Probationary Officer

Date

Field Training Officer

Date

Date/Time: 1/25/10 / 9:24:52

System: HIB
Program: CMS701A

WARRENSVILLE HEIGHTS POLICE
Incident Analysis

Page: 1

Officer.....: *ALL

Beat Assignment.....: *ALL

Property Category.....: *ALL

Vehicle Category.....: *ALL

Map Reference.....: *ALL

Dept Class.....: M17

Occur Date/Time Range.....: 1/01/09 to 12/31/09 / 00:00 to 23:59

Occurrence Location.....: *ALL

Missing Person Totals> 116

WARRENSVILLE HEIGHTS POLICE Totals> 116

Date/Time: 1/25/10 / 9:27:38

System: RTB
Program: CMS701A

WARRENSVILLE HEIGHTS POLICE
Incident Analysis

Page: 1

Officer.....: *ALL
Beat Assignment.....: *ALL
Property Category.....: *ALL
Vehicle Category.....: *ALL
Map Reference.....: *ALL
Dept Class.....: R7

Occur Date/Time Range.....: 1/01/09 to 12/31/09 / 00:00 to 23:59
Occurrence Location.....: *ALL

Rape Totals: 6

WARRENSVILLE HEIGHTS POLICE Totals: 6

Special Commission on
Missing Persons and
Sex Crime Investigations

Appendix J



VORYS

March 30, 2010

EXECUTIVE SUMMARY

Atlanta, Georgia – Requirements Related to Sex Crimes and Offenders

Introduction

The Atlanta Police Department (“APD”) is subject to several requirements related to sex crimes and sex offenders which are based on both Georgia state law (the “Statutory Requirements”) and local APD policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

Georgia Statutory Requirements create a sex offender registry to track convicted sex offenders. Individuals convicted of certain offenses are designated as sex offenders, and they are then subject to registration for life, unless the conviction is set aside or a court releases the offender from the registration requirements. Sex offenders are classified into one of three risk levels by a state review board based on the seriousness of the crime and the tendency of the offender to commit another sex crime. If the review board determines that an offender is highly likely to commit another sex crime, it will designate that offender a “sexually dangerous predator,” which will require the offender to wear a tracking device for the rest of his or her life.

Before an offender is released from custody, a state official will collect registration information from the offender and add the person to the sex offender registry.¹ Sex offenders are then required to register with the sheriff in their county of residence upon release, when there are any changes to their registration information, and at their birthdays every year afterward, while sexually dangerous predators must also register every six months. The county sheriff will maintain a list of all sex offenders residing in the county, and will post that list in the sheriff’s office, county administrative buildings, the office of the clerk of the superior court, and on a website maintained by the sheriff for posting general information.

Georgia Statutory Requirements grant any victim of a sex crime the right to a free forensic medical examination and also direct certain government employees to provide a written statement containing information about victims’ rights to adults believed to be victims of rape or aggravated sodomy. In addition, the Statutory Requirements establish a statewide alert system, known as a “Kimberly’s Call,” for murder or rape suspects determined to be serious public threats.

¹ The sex offender registry can be found at: <http://services.georgia.gov/gbi/gbisor/SORSearch.jsp>.

Local Requirements

The Department Policy defines the APD's Sex Crimes Squad of the Special Victims Unit as having primary responsibility for investigating sex crimes committed against adults. The Department Policy directs the investigator (i.e., detective) to perform certain actions at several steps of the investigation. It defines the initial duties of the investigator who responds to a sex crime radio call, defines a hospital protocol which details investigative duties at the hospital (such as trying to collect the victim's clothing and to ensure that a rape kit is completed), requires investigators to cooperate with Rape Crisis Center personnel at the hospital, directs investigators to remain with a victim until the victim is returned to a secure environment, and defines follow-up duties of the investigator. If the crime occurred in Fulton County, the investigator is also required to consult with the Assistant District Attorney assigned to the Fulton County District Attorney's Crimes Against Women and Children Unit (or, in his or her absence, the Complaint Room attorney) about developing a disposition for the case.

The Department Policy encourages investigators to attend specialized training in order to enhance the investigative skills required to implement the Department Policy and also lists case preparation steps for the investigator to follow.

Comparison of Requirements for Atlanta Police Department and Requirements for Cleveland Division of Police

The Georgia and Ohio sex offender registry programs are similar in many respects. Both programs require similar registration information, require periodic registration, and place the registration responsibility on county sheriffs, although there are distinct differences. Note also that Georgia (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Georgia classifies sex offenders into one of three tiers based on assessments performed by a state review board, while Ohio classifies sex offenders into one of three tiers based on the crime committed. Georgia also requires sex offenders of all tiers to register for life, with a few exceptions, while Ohio's registration term varies based on the sex offender's tier. In Georgia, a state official is required to initially register all convicted sex offenders, and must also place electronic tracking devices on sexually dangerous predators, before the offenders are released from custody, while in Ohio, the sex offender is taken to the local county sheriff for registration immediately after sentencing, and no tracking device is required before release. Georgia sheriffs are also required to maintain and post lists of every sex offender in the county, while Ohio sheriffs are only required to send out notices to a relatively small group of people when Tier III sex offenders are involved, and the Chief of the Cleveland Division of Police (the "CPD") must only notify the District Commander and member of Council of the ward where any offender is located.

Georgia and Ohio Statutory Requirements related to sex crimes are completely different, with no common provisions. Georgia law provides that a victim of a sex crime has a right to a free forensic medical examination, requires certain government employees to provide a written statement containing information about victims' rights to adults believed to be victims of rape or aggravated sodomy, and has established a statewide alert system for murder or rape suspects determined to be serious public threats. Ohio law requires a judge in a sex crime prosecution, upon request of either party, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Ohio law also requires that a rape victim be interviewed by an officer who has received crisis intervention training when available, and that the law enforcement agency that arrested an accused offender notify the victim if the accused offender tests positive for a communicable disease.

The APD's and the CPD's Department Policies are quite different as related to sex crime investigations. The APD's Department Policy focuses on the entire response to a sex crime call, while the CPD's Department Policy focuses mainly on evidence collection.

The APD's Department Policy defines the initial duties of the investigator who responds to a sex crime radio call, defines a hospital protocol which details investigative duties at the hospital, requires investigators to cooperate with Rape Crisis Center personnel at the hospital, directs investigators to remain with a victim until the victim is returned to a secure environment, and defines follow-up duties of the investigator.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may have the on-call Sex Crimes Unit member paged.

SUMMARY

Atlanta, Georgia – Requirements Related to Sex Crimes and Offenders

Atlanta has a population of 533,016, and the Atlanta Police Department (“APD”) employs 1,619 police officers. Crime in the United States 2008. There were 148 forcible rape reports in 2007, 126 reports in 2008, and 67 reports in 2009 through June. Crime in the United States 2007; Crime in the United States 2008; Crime in the United States 2009 (preliminary). Forcible rapes, as used here, are rapes by force including any attempts or assaults to commit rape by force or threat of force.

Sources of Authority Regarding Atlanta, Georgia, Police Department Requirements Related to Sexual Crimes and Offenders

There are two levels of authority that establish the requirements that the APD must comply with in relation to sexual crimes and offenders: (1) Georgia Code Annotated sections 16-5-110, 17-5-72, 17-18-1, 17-18-2, 35-3-190, and 42-1-12 through 42-1-14, and Georgia Administrative Code, Rules of Georgia Crime Information Center Council, section 140-2-.18 (the “Statutory Requirements”); and (2) Atlanta Police Department Standard Operating Procedure (“SOP”) 5210 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

I. Sex Offender Registry

The Georgia legislature has enacted a sex offender registration program under which persons found guilty of certain sexually-related offenses are required to register with the state, enabling them to be tracked by state officials. The registration program is outlined below.

A. *Who Qualifies as a Sex Offender*

The provisions of the Georgia Sex Offender Registry apply to any person convicted of a dangerous sexual offense or a criminal offense against a victim who is a minor. Dangerous sexual offenses include:

- Aggravated assault with the intent to rape;
- Kidnapping involving a victim less than fourteen years old, except by a parent;
- False imprisonment involving a victim less than fourteen years old, except by a parent;

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- Rape;
- Sodomy;
- Aggravated sodomy;
- Statutory rape, if the individual convicted is at least twenty-one years old;
- Child molestation;
- Aggravated child molestation, unless the individual was convicted of a misdemeanor;
- Enticing a child for indecent purposes;
- Sexual assault against persons in custody;
- Incest;
- A second conviction for sexual battery;
- Aggravated sexual battery;
- Sexual exploitation of children;
- Electronically furnishing obscene material to minors;
- Computer pornography and child exploitation;
- Obscene telephone contact; and
- Any conduct which, by its nature, is a sexual offense against a minor or an attempt to commit a sexual offense against a minor.

(Ga. Code Ann. § 42-1-12).

B. Registration

Once the provisions of the sex offender registry apply to a person, that person is subject to the registration requirements for his or her entire life, unless the conviction is set aside or a court releases the offender from the registration requirements.¹ (Ga. Code Ann. § 42-1-12).

Sex offenders in Georgia are classified into one of three risk levels by the Sexual Offender Registration Review Board (the “Board”), which is composed of three professionals knowledgeable in the field of behavior and treatment of sexual offenders, at least one representative from a victims’ rights advocacy group or agency, and at least two representatives from law enforcement. A “Level I risk assessment classification” means that the offender is a low sex offense risk and a low recidivism risk for future sex offenses. A “Level II risk assessment classification” means that the offender is an intermediate sex offense risk and an

¹ An offender may petition the court to be released from the registration requirements if at least ten years have elapsed since the offender’s release from prison, parole, supervised release, or probation, and the court finds that the sexual offender does not pose a substantial risk of perpetrating any future dangerous sexual offense. (Ga. Code Ann. § 42-1-12).

intermediate recidivism risk for future sex offenses, and it includes all offenders who do not meet the criteria for classification into either of the other two categories. A “sexually dangerous predator” means an offender who is determined to be at risk of perpetrating any future dangerous sex offense. In making its determination, the Board reviews information including psychological evaluations, treatment history, and criminal history. (Ga. Code Ann. §§ 42-1-12, 42-1-13, 42-1-14).

In addition to registration, a sexually dangerous predator is also required to wear an electronic monitoring system that: (1) can locate and record the location of the offender via a GPS link; (2) can report and record the offender’s presence near a crime scene or prohibited area, or a departure from specific geographical locations; and (3) includes an alarm that is automatically activated and will broadcast the offender’s location if it is tampered with or removed by the offender. A sexually dangerous predator is required to wear the monitoring system for the remainder of his or her life. (Ga. Code Ann. § 42-1-14).

Before a sexual offender subject to registration is released from prison or placed on parole, supervised release, or probation, the appropriate official² is required to:

- Inform the sex offender of the obligation to register, the amount of the registration fee, and how to maintain registration;
- Obtain the information necessary for the required registration;
- Inform the offender that, for changes other than address, the offender must provide the new information to the county sheriff within 72 hours of the change; and for changes of address, the offender must notify the sheriff of the current county of residence within 72 hours prior to moving and must also notify the sheriff of the new county of residence within 72 hours after moving;
- Inform the offender that registration is required in any state where the offender is employed, carries on a vocation, or is a student;
- Obtain fingerprints and a current photograph of the offender;
- Require that the offender read and sign a form stating that the obligations of the offender have been explained; and
- Place the required electronic monitoring system on the offender, if the offender is a sexually dangerous predator.

(Ga. Code Ann. § 42-1-12).

² The “appropriate official” means the Division of Probation of the Department of Corrections for those sentenced to probation without incarceration, the Commissioner of Corrections for those incarcerated prior to release or probation, or the Chairperson of the State Board of Pardons and Paroles for those on parole. (Ga. Code Ann. § 42-1-12).

The Department of Corrections is required to:

- Forward to the Georgia Bureau of Investigation (“GBI”) a copy of the form stating that the obligations of the offender have been explained;
- Forward any required registration information to the GBI;
- Forward the offender’s fingerprints and photograph to the sheriff of the county where the offender is going to reside;
- Inform the Sexual Offender Registration Review Board and the prosecuting attorney for the jurisdiction in which the offender was convicted of the impending release at least eight months prior to release; and
- Keep all records of sexual offenders in a secure facility until official proof of death of the registered sex offender.

(Ga. Code Ann. § 42-1-12).

No sex offender may be released from prison or placed on parole, supervised release, or probation until the appropriate official has provided the GBI and the sheriff of the county where the offender will be residing with the offender’s registration information and risk assessment classification level, and the offender’s name has been added to the list of sex offenders maintained by the GBI and the sheriff’s office. (Ga. Code Ann. § 42-1-12).

The required registration information includes:

- The offender’s name, social security number, age, race, sex, date of birth, height, weight, hair color, and eye color;
- The offender’s fingerprints and photograph;
- The address of any permanent and temporary residences;
- The date of employment, place of employment, and address of employer;
- The name and address of any place of vocation;
- The make, model, color, and license tag number of any vehicles;
- If enrolled, employed, or carrying on a vocation at an institute of higher education in the state, the name, address, and county of each institution, including enrollment or employment status;
- Any e-mail addresses, usernames, and user passwords;
- The name of the crime(s) for which the offender is registering; and
- The date of the offender’s release from prison or placement on probation, parole, or supervised release.

(Ga. Code Ann. § 42-1-12).

Any sexual offender subject to registration is required to:

- Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
- Register with the sheriff of the county in which the offender resides within 72 hours after the release from prison or placement on parole, supervised release, or probation;
- Maintain the required registration information with the sheriff of the county in which the offender resides;
- Renew the required registration information with the sheriff of the county in which the offender resides by reporting to the sheriff within 72 hours prior to the offender's birthday each year to be photographed and fingerprinted;
- If the offender is a sexually dangerous predator, also renew the required registration information with the sheriff six months after the offender's birthday each year;
- Update the required registration information with the sheriff of the county in which the offender resides within 72 hours of any change to the information, other than a change to residence;
- In the case of a change to residence, update the required information with the sheriff of the county in which the offender currently resides within 72 hours prior to moving, and with the sheriff of the new county of residence within 72 hours after moving; and
- Continue to comply with the registration requirements for the entire life of the offender.

(Ga. Code Ann. § 42-1-12).

Any offender who is required to register and who fails to comply, provides false information, or fails to report to the sheriff within 72 hours of the offender's birthday is guilty of a felony with a punishment of imprisonment for 10 to 30 years. (Ga. Code Ann. § 42-1-12).

C. Dissemination

The appropriate official or sheriff, within 72 hours of receipt, must forward the registration information to the GBI. Once the data is entered into the Criminal Justice Information System, the GBI is required, within 24 hours, to notify the sheriff of the offender's county of residence (either permanent or temporary), the sheriff of the offender's county of employment, and the sheriff of the county where the offender attends an institution of higher education. The GBI is also required to forward the information to the FBI within 24 hours of entering the data, send messages to sheriffs each month listing offenders due for verification, provide photo images to sheriffs to assist in identification and verification, mail a verification

form to the last known address of the offender within ten days prior to the offender's birthday, and notify law enforcement of a new state if the offender moves to that state. (Ga. Code Ann. § 42-1-12).

The sheriff's office in each county is required to perform the following duties:

- Prepare and maintain a list of all sex offenders and sexually dangerous predators residing in each county. The list must include the offender's name, age, physical description, address, crime of conviction (including date and jurisdiction of the conviction), photograph, risk assessment classification level provided by the Board, and an explanation of how the Board classifies sexual offenders and sexually dangerous predators
- Electronically submit all information provided by the offender within two working days to the GBI
- Maintain and post a list of every sexual offender (the "Sex Offender Notice") residing in the county:
 - In the sheriff's office
 - In any county administrative building
 - In the main administrative building for any municipal corporation
 - In the office of the clerk of the superior court so that such list is available to the public
 - On a website maintained by the sheriff of the county for the posting of general information
- Update the posted Sex Offender Notices within two working days of receiving new or changed information
- Inform the public of the presence of sexual offenders in each community
- Upon receipt of information affecting the residence address of an offender, deliver the updated Sex Offender Notice, within 72 hours of updating it, to all schools and institutions of higher education in the county
- Provide current information on names and addresses of all registered sexual offenders to campus police with jurisdiction for the campus of the institution of higher education

In addition, when an offender reports to the sheriff for the first time, the sheriff is required to have a notice of conviction and release from confinement published in the legal organ of the county, which is a newspaper or journal that publishes public notices in one or more counties. The notice must be one column wide by two inches long, and it must contain the photograph of the offender from the time of arrest; the name and address of the offender; the date, time, and place of arrest if available; and the disposition of the case. The notice must also include the

address of the GBI website for additional information regarding the sex offender registry.³ (Ga. Code Ann. §§ 42-1-12, 16-5-110).

On at least an annual basis, the Department of Education is required to obtain from the GBI a complete list of the names and addresses of all registered sex offenders and send it to each school in the state. (Ga. Code Ann. § 42-1-12).

II. Other Statutory Requirements

A. *Free Medical Examination*

A victim has the right to have a forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime. A victim is not required to pay, directly or indirectly, the cost of the forensic medical examination; instead, the investigating law enforcement agency must pay the cost of the examination. (Ga. Code Ann. § 17-5-72).

B. *Written Statement Offered to Certain Victims*

When any employee of the Department of Human Services, Department of Community Health, Department of Behavioral Health and Developmental Disabilities, a law enforcement agency, or a court has reason to believe that he or she, in the course of official duties, is speaking to an adult who is or has been a victim of rape or aggravated sodomy, the employee is required to provide a written statement of information to the victim. The written statement must include, at a minimum, the following information:

If you are the victim of rape or forcible sodomy, you have certain rights under the law.

Rape or forcible sodomy by a stranger or a person known to you, including rape or forcible sodomy by a person married to you, is a crime. You can ask the government's lawyer to prosecute a person who has committed a crime. The government pays the cost of prosecuting for crimes.

If you are the victim of rape or forcible sodomy you should contact a local police department or other law enforcement agency immediately. A police officer will come to take a report and collect evidence. You should keep any clothing you were wearing at the time of the crime as well as any other evidence such as bed sheets. Officers will take you to the hospital for a medical examination. You should not shower or douche before the examination. The law requires that the police department or law enforcement agency investigating the crime pay for the medical examination to the extent of the cost for the collection of evidence of the crime.

(Ga. Code Ann. §§ 17-18-1, 17-18-2).

³ The sex offender registry can be found at: <http://services.georgia.gov/gbi/gbisor/SORSearch.jsp>.

C. Statewide Alert System

Georgia has established a statewide alert system, known as “Kimberly’s Call,” for murder or rape suspects determined to be serious public threats. On notification by a local law enforcement agency that a suspect in a case of murder or rape has not been apprehended, and may be a serious threat to the public, the GBI director is required to activate the alert system and notify appropriate participants in the alert system if the following criteria have all been met:

- A local law enforcement agency believes that a suspect has not been apprehended
- A local law enforcement agency believes that the suspect may be a serious threat to the public
- Sufficient information is available to disseminate to the public that could assist in locating the suspect.

The area of the alert may be less than statewide if the GBI director determines that the nature of the event makes it probable that the suspect did not leave a certain geographic location. (Ga. Code Ann. § 35-3-190).

The director must terminate any activation of the alert system with respect to a particular suspect if the suspect is located or the incident is otherwise resolved, or if the director determines that the alert system is no longer an effective tool for locating the suspect. (Ga. Code Ann. § 35-3-190).

III. State Administrative Code

The Georgia Crime Information Center (“GCIC”) is an operating division within the GBI. Its rules are defined in the Georgia Administrative Code, as authorized by several provisions of Georgia state law.

Georgia law places responsibility for the establishment, operation, and management of a sex offender registry within the GCIC. As a result, the GCIC is required to perform the following functions:

- Provide public access to the registry via the internet;
- Participate in the National Sex Offender Public Registry, which is a website coordinated by the United States Department of Justice that allows users to easily search the sex offender registries of all 50 states, Puerto Rico, Guam, the District of Columbia, and participating tribes by entering a single query;⁴
- Notify sheriffs when a sex offender record is entered, updated, or deleted from the registry;

⁴ The site is located at <http://www.nsopw.gov>.

- Publish periodic reports for sheriffs that list sex offenders and sexually dangerous predators residing in each county;
- Notify appropriate out-of-state law enforcement agencies when a sex offender relocates to their state; and
- Conduct training on issues related to operation and maintenance of the sex offender registry.

(Ga. Comp. R. & Regs. 140-2-.18).

Local Requirements

The SOP, which forms the Department Policy, is the APD's written procedure for investigating sex crimes, and it states that the policy of the APD is to maintain complete and accurate records of sex crimes, to investigate sex crimes to a successful conclusion, and to apprehend and assist in the prosecution of sex offenders.

Pursuant to the Department Policy, the Sex Crimes Squad of the Special Victims Unit has primary responsibility for investigating sex crimes committed against adults. The investigator (i.e., detective) who responds to a dispatcher's radio call for a sexual assault case is required to:

- Respond to the scene;
- Coordinate crime scene activities;
- Call for the Identification Unit;
- Obtain statements from witnesses;
- Obtain statements from the reporting person;
- Obtain statements from responding officers;
- Collect evidence; and
- Respond to the hospital to interview the victim once the scene is under control.

At the hospital, the investigator is required to:

- Collect the victim's clothing;
- Ensure that the rape kit is completed;
- Obtain statements from the victim, EMTs, family, friends, and whomever brought victim to the hospital;
- Have the victim sign medical release forms;
- Interview the examining physician;
- Complete the original report;

- Ensure that the lookout of the suspect is given out city-wide if not in custody; and
- Make arrests if appropriate.

The Department Policy defines a hospital protocol, under which both male and female victims who are at least 18 years old will be taken to Grady Memorial Hospital unless they request to see a private physician.

In addition, the Department Policy requires investigators to exhibit sensitive treatment and render appropriate assistance to victims at all times. They also must proceed with their investigations with due regard for the victim's mental and medical condition.

During their initial contact with victims, investigators are required to make every effort to ascertain sufficient information for completion of the incident report. This may be done at the crime scene, at the hospital while victims are waiting to be examined, or after the examination is completed. Investigators must also make every reasonable attempt to locate the crime scene so that it may be processed immediately. Photographs of the victim will be taken by an Identification Technician to document the victim's condition (e.g., injuries, torn or disheveled clothing, etc.).

Investigators accompanying rape victims to the hospital for a rape kit must remain with the victim until the kit is completed, if possible. The SOP explains that this policy is in place because some victims will change their minds about waiting for the exam and leave the hospital, destroying the opportunity to obtain crucial DNA evidence. Although the investigator cannot force the victim to take the exam, the investigator is required make every effort to persuade him or her to remain and take the exam. If the investigator must leave, another investigator is required to come to the hospital and personally relieve the original investigator.

Investigators are also required to cooperate with personnel from the Grady Rape Crisis Center (the "Center").⁵ Investigators are directed to avoid disagreements with Center personnel in the presence of a victim. If a conflict arises between an investigator and Center personnel, it will be reported to the commander of the Special Victims Unit for resolution.

Before the investigator leaves a victim, every reasonable effort must be made to obtain items of clothing, which may yield forensic evidence of contact between the suspect and the victim. Victims who may have been involuntarily drugged as part of the crime committed against them, or feel that they were too intoxicated to consent, will also be asked to provide both blood and urine samples for crime lab analysis. Also, before leaving a victim after the initial contact, investigators must make every effort to ensure that the victim is returned to a secure environment.

⁵ The Center is located in Grady Memorial Hospital. The purpose of the Center is to aid rape victims emotionally and to provide a liaison between Grady Memorial Hospital and the APD. According to the SOP, the Center has proven to be very beneficial in providing supportive services to victims and in providing a flow of information between Grady Memorial Hospital and the APD's Special Victims Unit. Center personnel can assist investigators by explaining hospital procedures and by obtaining medical reports to be turned over to the Special Victims Unit. Center personnel can also assist investigators by encouraging victims to prosecute and by attending court with the victims.

When an investigator is assigned to a sexual assault case for follow-up, the investigator is required to:

- Contact the victim and ensure that he or she has gone to Grady Memorial Hospital;
- Request that the Identification Unit process the crime scene, if one is known;
- Obtain statements from the victim and anyone else with information related to the assault;
- Create a photographic line-up if the subject is not known by the victim;
- Have the victim sign medical release forms; and
- If the crime occurred in Fulton County, consult with the Assistant District Attorney assigned to the Fulton County District Attorney's Crimes Against Women and Children Unit (or, in his or her absence, the Complaint Room attorney) about developing a disposition for the case.⁶

The Department Policy also lists case preparation steps, which require an investigator to:

- Maintain an accurate record of daily investigative activities;
- Prepare complete working files;
- Sort all facts relative to the investigation to ensure that logical conclusions will be drawn;
- Present testimony in court;
- Assist personnel of other APD divisions, sections, and units when called upon;
- Make available to other members of the Special Victims Unit information, occurrences, and sources of information that might aid in other investigations;
- Respond to subpoenas issued by authorities; and
- Advise their immediate supervisor, or next higher authority, of matters of importance, unusual arrests or occurrences, or other conditions which may require his or her attention.

Investigators involved in sex crime investigations are also encouraged to attend specialized training in order to enhance the investigative skills required to implement the Department Policy.

⁶ Atlanta is the county seat of Fulton County. The Fulton County District Attorney's Office has created a special unit for prosecuting cases involving domestic violence and sexual abuse of women and children.

Comparison of Requirements for Atlanta Police Department and Requirements for Cleveland Division of Police

The Georgia and Ohio sex offender registry programs are similar in many respects, in that both programs require similar registration information, require periodic registration, and place the registration responsibility on county sheriffs, although there are distinct differences. Note also that Georgia (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Georgia classifies sex offenders into one of three tiers based on risk and recidivism assessments performed by a state review board, while Ohio classifies sex offenders into one of three tiers based on the crime committed. Georgia also requires sex offenders of all tiers to register for life, with a few exceptions, while Ohio's registration term varies based on the sex offender's tier. In Georgia, a state official is required to initially register a convicted sex offender, and must also place an electronic tracking device on a sexual predator, before the offender is released from custody; in Ohio, the sex offender is taken to the sheriff of the county where the conviction occurred immediately after sentencing, and no tracking device is required before release. Georgia sheriffs are also required to maintain and post lists of every sex offender in the county, while Ohio sheriffs are only required to send out notices to a relatively small group of people when Tier III sex offenders are involved, and the Chief of the Cleveland Division of Police (the "CPD") must only notify the District Commander and member of Council of the ward where any offender is located.

Georgia and Ohio Statutory Requirements related to sex crimes are completely different, with no common provisions. Georgia law provides that a victim of a sex crime has a right to a free forensic medical examination, requires certain government employees to provide a written statement containing information about victims' rights to adults believed to be victims of rape or aggravated sodomy, and has established a statewide alert system for murder or rape suspects determined to be serious public threats (known as a "Kimberly's Call"). Ohio law requires a judge in a sex crime prosecution, upon request of either party, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Ohio law also requires that a rape victim be interviewed by an officer who has received crisis intervention training when available, and that the law enforcement agency that arrested an accused offender notify the victim if the accused offender tests positive for a communicable disease.

The APD's and the CPD's Department Policies are quite different as related to sex crime investigations. The APD's Department Policy focuses on the entire response to a sex crime call, while the CPD's Department Policy focuses mainly on evidence collection.

The APD's Department Policy defines the initial duties of the investigator who responds to a sex crime radio call, defines a hospital protocol detailing investigative duties at the hospital (such as trying to collect the victim's clothing and to ensure that a rape kit is completed), requires investigators to cooperate with Rape Crisis Center personnel at the hospital, directs

investigators to remain with a victim until the victim is returned to a secure environment, and defines follow-up duties of the investigator.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may notify the Chief Dispatcher to page the Sex Crimes Unit member on call depending on conditions such as the brutality of the crime, the physical state of the victim, and the victim's age.



Effective Date
December 1, 2008

APD.SOP.5210
Special Victims Unit

Applicable To: All Sworn employees

Approval Authority: Chief Richard J. Pennington

Signature: Signed by RJP

Date Signed: 11/18/08

Table of Content

1.0	PURPOSE	1.0	4.15.0	Drug Testing	14.0
2.0	POLICY	1.0	4.16.0	Rape Kits	15.0
3.0	RESPONSIBILITIES	2.0	4.17.0	Buccal Swabs	16.0
4.0	ACTION	2.0	4.18.0	The Grady Rape Crisis Center	16.0
4.1.0	Reporting / Initial Complaint Response	2.0	4.19.0	Calls from Radio	17.0
4.2.0	Background Investigation	4.0	4.19.1.0	Sexual Assault Cases (Calls from Radio)	17.0
4.3.0	Indicators used in gathering information	5.0	4.19.2.0	Responding to the Hospital	18.0
4.4.0	Handling Victims of Physical Abuse or Neglect	7.0	4.19.3.0	Sexual Assault Cases (Assigned)	18.0
4.5.0	Interviewing Children	7.0	4.20.0	Prostitution of Children	19.0
4.6.0	Physical Evidence	8.0	4.21.0	Child Internet Enticement	19.0
4.7.0	Investigations Involving Missing Juveniles	8.0	4.22.0	Child Pornography	20.0
4.8.0	Arrest Warrants	11.0	4.23.0	Training	20.0
4.9.0	Recovery and/or Case Closure	11.0	4.24.0	Case Preparation	20.0
4.10.0	Responding to DFACS reports	12.0	4.25.0	Secretary	21.0
4.11.0	Sex Cases	12.0	5.0	DEFINITIONS	22.0
4.12.0	Forensic Interview	12.0	6.0	CANCELLATIONS	22.0
4.13.0	Hospital Protocol	13.0	7.0	REFERENCES	22.0
4.14.0	Collection of Evidence	14.0			

1. PURPOSE

The purpose of this policy is to provide guidelines for supervisors and investigators when dealing with victims that have been sexually assaulted; juveniles that are missing, abused and/or neglected; and child pornography, prostitution, and other child exploitation crimes via the Internet.

2. POLICY

It is the policy of the Atlanta Police Department to thoroughly investigate and maintain complete and accurate records of all reports involving the abuse and neglect of juveniles; to maintain complete and accurate records of missing juveniles, to investigate, locate and return such juveniles to the appropriate guardian(s); to maintain complete and accurate records of sex related crimes, child pornography, child prostitution and child exploitation via the Internet; to investigate such crimes to a successful conclusion; and to apprehend and assist in the prosecution of such offenders.

3. RESPONSIBILITIES

- 3.1 The division commander will ensure that all employees under his/her command adhere to and comply with this policy.

3.2 The section commander will ensure that vital information is communicated between other section commanders.

3.3 The Unit commander develops and coordinates investigative strategies in conjunction with the watch supervisor.

3.4 The watch commanders will inspect investigative case files for completeness and accuracy.

3.5 The Special Victims Unit is comprised of the Sex Crimes Squad, the Crimes Against Children Squad, and the Child Exploitation and Online Protection Squad (CEOPS).

1. The Sex Crimes Squad will investigate sex related crimes committed against adults and conduct the initial investigation of sex related crimes committed against children if no investigator from the Child Exploitation and Online Protection Squad is available.
2. The Crimes Against Children Squad will investigate missing, abused and/or neglected juveniles. For abuse cases, the abuse must be by a family member, guardian, caretaker, or other person in a custodial position over the child.
3. The Child Exploitation and Online Protection Squad (CEOPS) will investigate sex related crimes committed against children, child pornography, child prostitution and child exploitation via the Internet.

4. ACTION

4.1 Reporting / Initial Complaint Response

4.1.1 State law requires that instances or suspected instances of child abuse or neglect be reported by public and private officials such as physicians, dentists, school employees, clergymen and others. Officers will record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.

4.1.2 A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:

1. The physical condition of the child;
2. A description of the abusive or neglectful behavior;
3. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;
4. Description of suspicious injuries or conditions;
5. The nature of any statements made by the child concerning parental maltreatment;
6. Any evidence of parental indifference or inattention to the child's physical or emotional needs; and
7. The identification of the child, the location of the child and the identification of the primary caregiver or guardian.

4.1.3 When the source of the report cannot be identified and/or time is not of the essence, a report of the complaint will be made to the Department of Family and Children Services (DFACS) as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with DFACS.

4.1.4 Immediate action will be taken by officers when:

1. The complaint warrants arrest or criminal prosecution;
2. Child protective personnel are not available and time is of the essence;
3. The child is in danger and child protective personnel cannot enter the home;
4. The suspected perpetrator may flee;
5. Police presence is required to maintain order or to protect the safety of child protection officers;
6. When the child must be taken into protective custody against parental wishes; or
7. There is a potential for continued mistreatment to the child, due to the child's inability to defend oneself and/or the parent/guardian is unavailable, unwilling or unable to save the child from harm.

4.1.5 The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse or neglect and where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer acting in compliance with state law will remove the child from the home for purposes of protective custody. The assistance of a child welfare authority officer should be sought if available in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.

4.1.6 The Department of Family and Children Services (DFACS) will be notified and a court order for protective custody will be sought prior to the child's removal in cases where protective custody is warranted and time permits.

4.2 Background Investigation

4.2.1 Investigating complaints of child abuse generally require contact with several sources of information depending upon the nature of the complaint and the scope of abuse. In all but emergency situations, the following sources of information will generally be contacted prior to interviewing the family and/or the child.

1. An inquiry will be made to determine whether a court protective order is in force with regard to the child or other members of the family. A criminal history check will also be performed on the suspect.
2. Medical personnel, including family practitioners, emergency room staff and medical examiners, often acquire information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:

-
- a. "pattern" injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks;
 - b. injuries to specific body parts such as the genitals, buttocks or rectum as well as trauma to the torso, upper arms and thighs in the absence of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead;
 - c. signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood;
 - d. bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), Subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting or jerking of the extremities;
 - e. a history, pattern or extent of injury that does not correlate with the alleged cause of death or means of injury;
 - f. inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of "failure to thrive."
3. Review family history for prior contact with DFACS.
 4. Obtain information from extended family members, non-custodial parent and other principal caregiver(s) other than the parent(s) or legal guardians.
 5. Obtain information concerning special needs the child/minor may have (e.g., developmental delays, retardation, physical handicap, language and/or hearing impairment etc.).

4.2.2 Social welfare officers may also provide considerable insight into situations of suspected child abuse as many abusive families have had prior contact with local support agencies. These agencies may provide information on family background, employment, economic and domestic stability and previous contacts with child protective service agencies.

4.2.3 School teachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation and perceived emotional stability. Several behavioral indicators are suggestive of child abuse, including:

1. Recurrent injuries or complaints of parental physical mistreatment;
2. Marked changes in the child's behavior or level of achievement;
3. Strong antagonisms toward authority;
4. Exaggerated reactions to being touched;
5. Withdrawals from peers or confrontational behavior;

-
6. Delinquent acts, running away from home or truancy; and
 7. Refusals to dress for physical education or dressing inappropriately.
- 4.3 Indicators used in gathering information
- 4.3.1 Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family and the child.
 - 4.3.2 If there is reason to believe that charges may be filed against the parents or others, interviews will be conducted at the Atlanta Police Department and prior contact, when appropriate, will be made with the prosecutor's office.
 - 4.3.3 A child protective service officer should participate with the investigator in the interview, when appropriate.
 - 4.3.4 The interview will be conducted in a non-accusatory, informal, fact-finding manner. Questions will be presented in an open-ended format to allow parents or others complete latitude in responding.
 - 4.3.5 In determining whether to accept a parent's explanation, officers will consider the following questions (Findings consistent with those in parentheses may indicate a greater likelihood of abuse).
 1. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No)
 2. Was the parent's story consistent with other evidence? (No)
 3. Do parents claim ignorance of critical details of the incident? (Yes)
 4. Does the home appear to be clean and well maintained? (No)
 5. Does the family live in a socially isolated environment without the support of neighbors, friends or family? (Yes)
 6. Do the parents appear to support one another in a positive home environment? (No)
 7. Does there appear to be frequent or ongoing crises in the family? (Yes)
 8. Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)
 9. Is there a history of unexplained injuries and/or symmetrical injuries inconsistent with the explanation given? (Yes)
 10. Does the child appear healthy, cared for and appropriately interactive with the parent/guardian? (No)
 - 4.3.6 Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should:
 1. Be appropriate to the misbehavior involved but never involve serious bodily injury;

2. Be consistent with the child's ability to understand its relevance to acts in question; and
 3. Be administered with prudence and caution rather than recklessly, brutally or without sufficient regard for the child's power of endurance.
- 4.4 Handling Victims of Physical Abuse or Neglect
- 4.4.1 Victims of abuse or neglect under the age of eighteen will be taken to Hughes Spalding Children's Hospital for a medical examination. Victims may request to see a private physician of their choice. However, Hughes Spalding Children's Hospital is the preferred medical facility.
- 4.4.2 Officers should be familiar with state statutes that define instances of child abuse, neglect and abandonment. (Georgia Code 15-11-94, 16-5-72, 19-7-5 and 19-15-1)
- 4.4.3 Officers should be familiar with the Fulton and Dekalb County Child Abuse Protocols for responding to and investigating allegations of child abuse and neglect.
- 4.5 Interviewing Children
- 4.5.1 Investigators conducting interviews with children in suspected child abuse cases will be trained in acceptable child interviewing techniques by a nationally recognized program (e.g., the American Professional Society on the Abuse of Children (APSAC), the National Child Advocacy Center (NCAC), the American Prosecutor's Research Institute (APRI) or the National Institute of Child Health and Human Development (NICHD)). Investigators will be familiar with state law on interviewing children. Otherwise, a licensed professional will interview children at the Georgia Center for Children.
- 4.5.2 Additionally, investigators will be familiar with the following special issues that arise when conducting these interviews in cases of suspected child abuse:
1. Children should be interviewed separately from their parents.
 2. Repeated interviews with the child will be avoided whenever possible. Joint interviews with the child protective worker or prosecutor, for example, may help minimize the trauma of these sessions.
 3. Interviews of children will be videotaped (preferred) or audio taped, whenever possible. If video/audio recording is not possible, accurate and complete written records will be maintained to include the specific questions asked, responses given, and the observed behavioral reactions.
 4. Avoid closed-ended questions whenever possible (e.g., questions that can be answered with a "yes" or "no" response or multiple-choice questions). Use open-ended questions and allow the child to respond to questions with as much spontaneous narrative as possible. If a closed-ended question is used, follow up with an opened-ended prompt.
 5. Anatomically correct dolls will be used in accordance with acceptable guidelines established by the APSAC or other qualified agency and only by investigators specifically trained in the use of anatomical dolls.

6. The interview environment will be child friendly and non-threatening. Sit with the child rather than across a table. Conduct the interview in a casual and supportive manner without being overly solicitous.
7. Avoid potentially biasing behaviors and do not lead the child or suggest answers; do not probe or pressure the child for answers; and do not express concern, shock or disbelief in response to answers.
8. Reassure the child that he/she is not to blame and is not in trouble for what happened or for being asked questions.
9. When appropriate, a Forensic Interview should be conducted at the Georgia Center for Children.
10. A written statement is not necessary when a forensic interview is conducted.

4.6 Physical Evidence

4.6.1 Collecting physical evidence to document abuse is very important for prosecuting these cases. In this regard, officers will be aware of the following:

1. Photographs of injuries will be taken and preserved for evidentiary purposes. They may be taken by medical personnel or by a same-sex officer of APD. All injuries will be described in writing and diagrammed.
2. X-rays will be taken if appropriate, and any that have been taken will be collected and preserved.
3. Photographs of home conditions bearing on the child's maltreatment will be taken.
4. Any instruments that were used in the physical attack will be identified and preserved as well as any clothing that bears evidence such as blood or semen stains.
5. Other items that have bearing on the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspected perpetrator, will be identified and collected.
6. Location of evidence found will be notated (e.g., under table in master bedroom, etc.).

4.7 Investigations Involving Missing Juveniles

4.7.1 Levi's Call (Amber Alert) (see also APD SOP 3085 Missing Persons Policy)

4.7.2 Investigators will respond to the scene on all instances of children missing below the age of 13 and in instances where the child is missing under unusual circumstances. When arriving on the scene:

1. Obtain a briefing from officers at the scene
2. Verify the accuracy of all descriptive information concerning the child, being alert to facts or statements that may conflict with those obtained by the first responder or supervisor

3. Canvass the neighborhood as soon as possible to identify and interview residents and others within the missing/abduction area.
4. Obtain a general history of recent family dynamics from family members, neighbors, classmates, teachers, school counselors, and other persons who may have had close personal interaction with the child and/or family.
5. Conduct an in-depth fact-finding interview with all witnesses, friends and/or relatives of the missing child, teachers, classmates, or others who knew and/or routinely interacted with the child, placing particular emphasis on identifying any conflicting information offered by these or other individuals.
6. Review any records generated about the family or child from Central Records, the Department of Family and Children Services, other social service agencies, schools, and related organizations or agencies.
7. Reassess the need for additional resources and specialized services to include specialized search and rescue operations, state resources (e.g., state missing children clearinghouses) and federal agencies such as the FBI and the National Center for Missing and Exploited Children. The "A Child Is Missing" (ACIM) program is also a valuable resource.
 - a. An ACIM Alert will generate telephone calls to local residents within fifteen (15) minutes of initiation by law enforcement.
 - b. When the decision to use ACIM has been made, the investigator will immediately call ACIM at 1-888-875-2246 (ACIM) or page the operator at 1-954-492-4778.
 - c. Suggested calling times are from 7:00AM to 10:30PM. Calls can be placed after 10:30 PM (in all time zones) if extenuating circumstances exist and only with a supervisor's approval.
 - d. The investigator will provide ACIM with the Communications Section phone number (404)817-2382 and will also contact the Communications Section to make them aware that ACIM has been involved in the search for the juvenile.
 - e. If there is a confirmed sighting of the missing juvenile, the investigator will contact ACIM to update the location and any changes in appearance.
 - f. When the missing person is found, the investigator will call ACIM to report the recovery. A "Case Follow-Up Report" will be faxed to the investigator by ACIM. The investigator will fill out the report and fax it back to A Child Is Missing at (954-763-4569).
8. Update descriptive records and those entered into state and federal missing persons databases to include dental characteristics, scars, marks and tattoos, fingerprints, and additional articles of clothing, jewelry, or possessions not previously itemized, if the case is not resolved promptly.
 - a. Federal Law 42 U.S.C. 5780 states that within 60 days of entering a missing juvenile record into NCIC, agencies must verify and update the missing juvenile record with any additional information including, where available, medical and dental records.

b. If there are no medical or dental records, and if there is no additional information, a supplement report must be completed by the investigator.

9. Determine whether a polygraph examination or Computer Voice Stress Analyzer (CVSA) examination is warranted and request such an examination where indicated for parents, guardians, or other persons as appropriate.

10. Monitor media relations to include review of all agency releases to the media to ensure that information is not released that will compromise the investigation.

11. Provide the family with whatever support is possible and appropriate.

12. Create and distribute flyers that include a picture of the missing juvenile in all areas where citizens, other APD employees, and outside police agencies may assist in the recovery of a missing juvenile as soon as possible.

13. Search for children under 13 until located or until all leads have been exhausted.

4.7.3 Unusual Circumstances refers to a missing child who is sixteen years of age or younger, or whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk. Those circumstances could include the child being:

1. Out of the zone of safety for his or her age and developmental stage;

2. Mentally incapacitated (e.g., developmentally disabled or emotionally disturbed);

3. Medically dependent (e.g., insulin dependent);

4. Drug involvement;

5. A potential victim of foul play or sexual exploitation;

6. In a life-threatening situation;

7. Reported to the police as missing after a delay on the part of the parents, guardians, or other responsible person;

8. Believed to be with adults or older juveniles who could endanger his or her welfare; and/or absent under circumstances inconsistent with established patterns of behavior.

4.7.4 Zone of Safety refers to the distance a child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation based on the child's age, developmental stage, and related matters.

4.8 Arrest Warrants

4.8.1 When an investigator secures an arrest warrant, the investigator will place one copy in the warrant file, one copy in the working file and give a copy to the secretary to place in the master file. A copy will also be given to the supervisor, who will log it on the Arrest Warrant Log (refer to APD.SOP.5010 "Criminal Investigations Division").

-
- 4.8.2 The investigator must hand-deliver the original copy of the arrest warrant to the Identification Unit and complete the documents necessary to flag the suspect.
- 4.8.3 In addition, if the investigator does not have immediate custody of the suspect and the warrant is for a sexual offense, he or she will complete a Fugitive Package and deliver it to the Fugitive Unit. The Fugitive Unit will be responsible for serving the arrest warrant (refer to APD.SOP.5010 "Criminal Investigations Division").
- 4.8.4 The investigator who secured the warrant must advise the watch supervisor of any change of status of the warrant. If the suspect was arrested but not booked through the Fulton County Jail, the investigator must remove the flag in the Identification Unit. The investigator must also notify the Fugitive Unit that the warrant has been served.
- 4.9 Recovery and/or Case Closure
- 4.9.1 An officer assigned to the recovery or return of a missing child will complete the following tasks, among his or her other responsibilities:
1. Verify the identity of the found child as the missing child while assessing the child's safety and gathering available information about possible predators.
 2. During the verification process, determine whether intervention services are needed to ensure that the child can safely remain in the home and ensure that arrangements are made for delivery of these services. These include but are not limited to mental health and/or physical health examinations and arrangements for family counseling.
 3. Complete designated supplemental reports and cancel all outstanding notifications to include any NCIC Missing Person File entry and the state clearinghouse. Supplemental reports should describe the child's activities while missing and the circumstances of the recovery/return. If the child is determined to be a runaway, the investigator will attempt to determine the reason(s) why the child ran away and include that information in the supplement.
- 4.10 Responding to DFACS reports
- 4.10.1 Investigators will respond to each DFACS (Department of Family and Children's Services) report that is assigned to them. The investigator will go to the location where the child may be found and conduct a limited interview with the child (if possible), the reporting person, witnesses and parents to obtain sufficient information to make a determination of criminal conduct as well as for the child's welfare and safety. If the investigator determines that there is reasonable suspicion that a crime has occurred, the investigator will complete an official APD Incident Report and continue the investigation.
- 4.11 Sex Cases
- 4.11.1 The primary function of the Sex Crimes Squad is to investigate crimes committed involving the sexual assault of adults.
- 4.11.2 The function of the Child Exploitation and Online Protection Squad is to investigate crimes committed involving the sexual assault of children, including but not limited to:
1. the rape of a child under the age of 17 years.

-
2. the sexual molestation of a child under the age of 17 years.
 3. the pimping or pandering of a child under the age of 18 years, where a victim has been identified.
 4. any crime as outlined in the Georgia Criminal Code, §16-12-100 Sexual Exploitation of Children, §16-12-100.1 Electronically Furnishing Obscene Material to Minors and §16-12-100.2 Computer Pornography and Child Exploitation Prevention Act of 1999.
- 4.11.3 The School Detectives Unit will investigate all claims of sexual acts, except rape, occurring on school property or buses. The Special Victims Unit will handle the investigation of rapes occurring on school property or buses.
- 4.12 Forensic Interview
- 4.12.1 An important part of the investigation of sexual offenses committed against children is a Forensic Interview. Trained Forensic Interviewers conduct videotaped question and answer sessions with the children regarding what has happened to them. The investigator monitors the interview from an observation room and gives input to the interviewer. The videotaped interview is admissible in court as evidence. The interviewer retains the original tape and provides a copy to the investigator. The investigator will turn the videotape in to Property Control as evidence. The videotape may be reviewed and transcribed by the District Attorney's Office at a later date.
- 4.12.2 Current practice is to utilize the Georgia Center for Child Advocacy for forensic interviews. Non-emergency interviews are typically scheduled in advance. Emergency interviews can be scheduled on an as needed basis by contacting the Program Manager and/or the Clinical Director. Non-emergency interviews should be completed within five working days of the request. Emergency interviews should be completed within 24 hours. Emergency interviews include child victims under the age of eight, the arrest of a suspect made prior to the interview, and an acute sexual assault that occurred within the last 72 hours. The center for Fulton County cases is located at 1485-B Woodland Ave SE, Atlanta, Georgia 30316. The phone number is (678) 904-2880. The center for DeKalb County cases is located at 202 Nelson Ferry Road, Decatur, Georgia 30030. The phone number is (404) 378-6100. The fax number is (404) 377-7005. Experienced APD investigators who are trained and certified to conduct Forensic Interviews may conduct the interviews themselves when proper facilities and equipment are available.
- 4.13 Hospital Protocol
- 4.13.1 Female victims eighteen years and older will be taken to Grady Memorial Hospital, Red Zone. Female victims under the age of eighteen, of rape, aggravated sodomy and child molestation, will be taken to Hughes Spalding Children's Hospital, first floor. Male victims under age 18 of aggravated sodomy and child molestation will be taken to Hughes Spalding Children's Hospital, first floor. Male victims age 18 and older will be taken to the Red Zone at Grady Memorial Hospital. Victims may request to see a private physician; however, Grady Memorial Hospital and Hughes Spalding Children's Hospital are preferred medical facilities. Investigators will exhibit sensitive treatment and render appropriate assistance to victims at all times. Investigators will proceed with their investigations with due regard for the victim's mental and medical condition.
- 4.13.2 During their initial contact with victims, investigators will make every effort to ascertain sufficient information for completion of the incident report. This may be done at the crime scene (some victims will be unable to immediately aid in the location of the crime scene, for medical or

psychological reasons), at the hospital while victims are waiting to be examined, or after the examination is completed. Investigators will also make every reasonable attempt to locate the crime scene so that it may be processed immediately. Photographs will be taken of the victim by an Identification Technician to document injuries, torn or disheveled clothing, etc. If photographs of the victim are not needed for evidentiary reasons, a photograph of the victim will still be obtained for the file. The photograph could be useful in the event that the victim has to be located after a lengthy period has passed, the victim's name has changed due to marriage or divorce, and/or a new investigator is assigned to the case. An Identification Technician can take a picture for this purpose or one may be taken with a digital or a Polaroid camera. An enlarged photocopy of a driver's license or identification card is also acceptable.

- 4.13.3 Before the investigator leaves a victim, every reasonable effort will be made to obtain items of clothing, which may yield forensic evidence of contact between the suspect and the victim. Underclothing is particularly important as it may reveal the presence of seminal fluid or spermatozoa. It is not uncommon, however, for such evidence to be found on outer clothing. Torn and soiled clothing should also be held for evidence as it may be used to corroborate the use of force against the victim. Clothing on which suspected seminal stains or bloodstains are located should be carefully folded with the stain up to avoid contamination. Clothing should then be placed in evidence bags. Clothing or other items of evidence belonging to a suspect should not be placed in the same bag or container with evidence belonging to a victim, as contamination will result and the evidence will be of no use. A change of clothing may be obtained before going to the hospital, if the investigator meets a victim at home. Otherwise, clothing to be taken as evidence may be obtained when the victim is taken home. Victims must be advised not to bathe prior to the medical examination.
- 4.14 Collection of Evidence
 - 4.14.1 All evidence will be logged-in and bar-coded at Property Control. This includes Rape Kits and other items that will then be transported to the Crime Lab for analysis. Rape Kits should be logged on a separate sheet from other items. If a Rape Kit has been completed, the GBI will not accept other items (i.e.: clothing) for DNA analysis until and unless the examination of the Rape Kit reveals that there is no or there is insufficient male DNA present. The GBI Crime Lab will make exceptions in cases where there is an obviously better chance of recovering a suspect's DNA from an item other than a Rape Kit, and such exceptions need to be approved by the GBI in advance.
 - 4.14.2 Brown paper bags will be utilized when collecting clothing or other evidence that would tend to form moisture if placed in a plastic bag. The bag will be sealed with evidence tape, properly labeled and turned into Property Control. Under no circumstances is evidence to be maintained in the investigator's office, desk, file cabinets or city vehicle.
- 4.15 Drug Testing
 - 4.15.1 Victims who may have been involuntarily drugged as part of the crime committed against them, or feel that they were too intoxicated to consent, will be asked to provide both a blood and urine sample for crime lab analysis. It is best to collect these samples at the earliest opportunity since many drugs are detectable for only a few hours after ingestion. The most common "date rape" drug, GHB, may be detected in the blood 4-6 hours and in the urine 6-8 hours after ingestion. Other drugs are detectable for a much longer period. Therefore, samples will still be obtained in cases of delayed reporting.

-
- 4.15.2 Blood samples taken for drug testing will be collected in glass tubes (with a gray stopper) provided by the medical facility. These tubes may be given to the investigator in a padded envelope, or they may not be packaged at all. In either case, the tubes will be placed into a property envelope. The envelope will be sealed with red evidence tape and taken to Property Control for bar coding and refrigeration. The blood must be refrigerated if not immediately transported to the Crime Lab.
- 4.15.3 Urine samples should be collected in the containers used by the medical facility, then sealed with red evidence tape. The urine should be handled in the same manner as blood (as described above).
- 4.16 Rape Kits
- 4.16.1 Physicians at Grady Memorial Hospital and Hughes Spalding Children's Hospital use rape evidence kits during the examination of rape victims. Kits are usually only completed if the sexual assault occurred 72 hours or less prior to the exam. There have been rare instances of DNA recovery in kits completed as late as 5 days after the assault, in situations with exceptional circumstances that allowed for the DNA to remain in or on the victim. The kits contain materials used for the collection of forensic evidence, which is later analyzed by the Georgia State Crime Laboratory. Because these kits are used for victims from all jurisdictions served by these hospitals, it is imperative that investigators advise the hospital staff members which jurisdiction should be indicated on the rape evidence kit. When the investigator transports a victim to Grady Memorial Hospital or Hughes Spalding Children's Hospital for the examination, the nurse receiving the patient will be told that the victim was assaulted in the City of Atlanta, and that this is to be indicated on the rape evidence kit. The investigator will complete a GBI Evidence Submission Form, attach a copy of the incident report, and transport the kit and forms to the Georgia Crime Lab after logging in the kit at Property Control. The investigator will log the information in the GBI Evidence Submission Log Book in the Sex Crimes Squad Office.
- 4.16.2 Investigators accompanying rape victims to the hospital for a rape kit will remain with the victim until the kit is completed, if possible. This policy is in place because some victims will change their minds about waiting for the exam and leave the hospital, destroying the opportunity to obtain crucial DNA evidence. Although the investigator cannot force the victim to take the exam, the investigator will make every effort to persuade her to remain and take the exam. If the investigator must leave or it is the end of the investigator's shift, another investigator will come to the hospital and personally relieve the original investigator.
- 4.16.3 If the investigator must leave the hospital prior to the exam and no other investigator is available to stand-by with the victim, the investigator must leave his/her immediate contact number or method of immediate contact with the social worker, victim advocate, nurse or other party that will be standing-by with the victim. The investigator will advise this person to contact him/her immediately if the victim decides against having the exam completed. If so notified, the investigator will make every effort to speak to the victim, by telephone if necessary, and reiterate the necessity of taking the exam before she leaves the hospital.
- 4.16.4 Upon completion of the rape kit, the investigator will enter the information in the GBI Evidence Submission Log Book in the Sex Crimes Squad office and will turn the rape kit in to the Property Control unit. If the rape kit is not complete and the investigator needs to leave the hospital, the investigator must leave his/her immediate contact number or method of immediate contact with the social worker, victim advocate, nurse or other party that will be standing-by with the victim. All rape kits will be turned into the Property Control unit and logged prior to the end of the investigator's tour of duty.

-
- 4.16.5 Occasionally, a victim may be treated at a medical facility other than Grady Memorial Hospital or Hughes Spalding Children's Hospital. If it is necessary for the rape kit to be completed at another facility, the investigator may have to supply the facility with the kit for the exam or may have to replace the one the facility uses. Investigators will have kits available for this reason.
- 4.16.6 After the kit has been analyzed by the Georgia State Crime Laboratory, a report will be available to the investigator via the GBI website. The GBI does not notify the investigator when the analysis is complete, unless a Combined DNA Index System (CODIS) match results. It is the investigator's responsibility to check the GBI website at least once a week to determine if an analysis report is available. Once the report is available, the investigator will print it out and add it to the working file. A copy will be given to the secretary to place in the master file.
- 4.17 Buccal Swabs
- 4.17.1 Buccal swabs are used to collect skin cells from victims and suspects for DNA comparison purposes. A swab is rubbed against the inside of the mouth cheek.
- 4.17.2 The investigator should obtain buccal swabs from the victim whenever a Rape Kit is obtained. If a suspect is known and consents, buccal swabs should be obtained from the suspect as well. Depending on the circumstances, a search warrant for the suspect's skin cells may be necessary.
- 4.17.3 A Rape Kit analysis where semen is present will contain the DNA of the victim and of the suspect(s). In any sexual assault case involving suspect identification from DNA evidence, the GBI Crime Lab will require confirmatory DNA samples from the victim(s) and /or the suspect(s) whose DNA has been identified from the evidence submitted.
- 4.17.4 Buccal swabs will be turned in as evidence at the Property Control Unit and held there until needed by the GBI Crime Lab.
- 4.18 The Grady Rape Crisis Center
- 4.18.1 The Grady Rape Crisis Center is located in Grady Memorial Hospital. The telephone number is (404) 616-4861. The purpose of this Center is to aid rape victims emotionally and to provide a liaison between Grady hospital and the APD. The Rape Crisis Center has proven to be very beneficial in providing supportive services to victims, and providing a flow of information between Grady Memorial Hospital and the Atlanta Police Department's Special Victims Unit. Counselors can assist Investigators by explaining hospital procedures and by obtaining medical reports to be turned over to the Special Victims Unit. The Rape Crisis Center cannot turn over medical reports if the victim refused to sign a form, which authorizes the release of such information. Investigators will obtain the victim's signature on an Authorization to Release Medical Information form prior to leaving the victim, if possible. Rape Crisis Center counselors can also assist Investigators by encouraging victims to prosecute and by attending court with the victims.
- 4.18.2 The Atlanta Victim Assistance Inc. is located in the Atlanta Municipal Court Building at 150 Garnett St. SW, Atlanta, Georgia 30303 on the 3rd floor. The purpose of the Atlanta Victim Assistance Inc. is to assist victims of crime, attend court proceedings and provide supportive services to victims, police, courts, and the Rape Crisis Center. The telephone number is (404) 588-4740. An advocate is presently assigned to be on-site at City Hall East and is available weekdays from 0730-1630 hours. The advocate will follow-up with the victim the next working day for crimes occurring outside of these hours. Investigators may notify the Atlanta Victim

Assistance Inc. advocate whenever a victim is at the hospital for initial treatment or is scheduled to appear in court during the advocate's working hours, if appropriate.

- 4.18.3 Hospital personnel will notify the Rape Crisis Center to send a counselor to remain with the victim throughout the examination process. The presence of a counselor often makes the hospital experience easier for the victim.
- 4.18.4 Investigators will cooperate with personnel from the Rape Crisis Center. Good relations must be maintained between the Rape Crisis Center, the Atlanta Victim Assistance Inc. advocate and the Special Victims Unit. If a conflict arises between an investigator and a counselor, it will be reported to the commander of the Special Victims Unit for resolution. Investigators will avoid disagreements with counselors in the presence of a victim, as this may be very disturbing to the victim.
- 4.18.5 The victim is usually the most important witness in a sex crimes investigation. Many victims will be unable to participate extensively in an investigation until given time to recover emotionally from the experience of the crime. Investigators will make every effort to complete an investigation as soon as possible, but always with due regard for the medical and emotional condition of the victim. Investigators risk alienating victims to the point where they are unable or unwilling to continue cooperation with the investigation if the proper care and considerations are not shown to the victims. Before leaving a victim after the initial contact, investigators will make every effort to ensure that the victim is returned to a secure environment.
- 4.19 Calls from Radio
- 4.19.1 Sexual Assault Cases (Calls from Radio)
1. Respond to the scene;
 2. Coordinate Crime Scene;
 3. Call for the Identification Unit;
 4. Obtain statements from witnesses;
 5. Obtain statements from the outcry person;
 6. Obtain statements from responding officers;
 7. Collect evidence; and
 8. Once the scene is under control respond to the hospital to interview the victim.
- 4.19.2 Responding to the Hospital
1. Collect the victim's clothing;
 2. Ensure that the rape kit is completed;
 3. Obtain statements (victim, EMT's, family, friends and whomever brought victim to the hospital);

-
4. Have victim or guardian (juvenile victims) to sign medical release forms;
 5. Interview examining physician;
 6. Complete original report;
 7. Ensure that the lookout of the suspect is given out city wide if suspect is not in custody; and
 8. Make arrest if appropriate (see APD.SOP.3030 "Arrest Procedures").

4.19.3 Sexual Assault Cases (Assigned)

1. Contact victim and ensure that he/she has gone to Grady Memorial Hospital or Hughes Spalding Children's Hospital;
2. Request the Identification Unit to process the crime scene, if one is known;
3. Obtain outcry statements;
4. Set appointment with Georgia Center for Children (juvenile victims);
5. Create a photographic line-up if the subject is not known by the victim;
6. Have the victim or guardian (juvenile victims) sign medical release form; and
7. If the crime occurred in Fulton County, consult with the Assistant District Attorney assigned to the Fulton County District Attorney's Crimes Against Women and Children Unit (or, in his or her absence, the Complaint Room attorney) about developing a disposition for the case.

4.20 Prostitution of Children

4.20.1 When investigating prostitution of children cases, an officer will:

1. Complete the original report if possible.
2. Obtain outcry statements. Develop suspect information (create line-up, description of suspect etc.).
3. Process crime scene if located (photographs, physical evidence) see APD.SOP.3081 "Crime Scene Investigations."
4. Determine the status of the child (i.e.: runaway, missing).
5. Schedule an interview at the Georgia Center for Children if appropriate.
6. After the Georgia Center for Children interview, consult with a representative from the District Attorney's office to develop a disposition for the case.
7. If the determination is made that an arrest is appropriate, follow the Complaint Room procedures.
8. Create a Fugitive Package.

-
9. On child prostitution cases where the child is being detained by a zone unit or other detective unit, the responding investigator should speak to the child in a secure location, where the child is confident that he or she cannot be seen by his or her pimp.
 10. Investigators will respond to the scene of a crime when requested, if possible. However, if the investigator is unable to respond at the time, or learns about the incident later on, the investigator will attempt to interview the child as soon as possible.
 11. All cases are different to some degree and there are times when special considerations will arise. It should be understood that the child is the victim. The goal of the investigation is to identify and arrest those responsible for the exploitation of the child.

4.21 Child Internet Enticement

4.21.1 The investigator handling the initial Child Internet Enticement case will endeavor to obtain the following:

1. Originals or copies of any e-mails, Chat sessions, or photographs sent to the victim.
2. Screen names and user accounts of the victim, along with Internet Service Provider information, and account passwords.
3. Copies of all electronic correspondence, with full header information in cases of e-mail. Review material and determine if correspondences constitute harassment, child exploitation, and/or child pornography.
4. Information from complainant that constitute other forms of harassment, such as phone calls, mail or personal confrontations.
5. Consent to search forms for victims computer.

4.21.2 Only investigators who have received specialized training in the legal and privacy issues associated with conducting undercover investigations via the internet and the handling of digital evidence, are authorized to conduct on-line investigations.

4.22 Child Pornography

4.22.1 Employees investigating cases of child pornography will use discretion and remain aware of the privacy issues of the victim when collecting physical evidence in child pornography investigations. Collected evidence will be turned in to the Property Control Unit in a timely manner and care will be taken to insure that evidence is not left in plain view.

4.22.2 Digital media and evidence will be collected with the assistance of the Cyber Crimes Unit, unless the investigator has received specialized training in the collection and preservation for trial of digital media and evidence.

4.23 Training

4.23.1 Investigators are encouraged to attend specialized training in order to enhance the investigative skills required to implement this policy.

-
- 4.23.2 Special Victims Unit training will take into consideration the policies of the Fulton County and Dekalb County District Attorney offices, and the policies of the Georgia Center for Child Advocacy.
- 4.24 Case Preparation
- 4.24.1 Investigators will:
1. Maintain an accurate record of daily investigative activities on the Summary of Investigation Form, and/or supplementary offense report form;
 2. Prepare complete working files;
 3. Collate all facts relative to the investigation to ensure that logical conclusions will be drawn;
 4. Present testimony in court;
 5. Assist personnel of other APD divisions, sections and units when called upon, especially FOD (Field Operations Division) officers, with the investigation of cases for which they are responsible;
 6. Make available to other members of the Special Victims Unit information, occurrences, and sources of information that might aid in other investigations;
 7. Respond to subpoenas issued by authorities (Subpoenas for civil cases and character witnesses should be immediately brought to the attention of a supervisor);
 8. Advise their immediate supervisor, or next higher authority, of matters of importance, unusual arrests or occurrences, or other conditions, which may require his/her attention; and
 9. Complete the Form APD-334 "Investigator's Assignment Record" – refer to and comply with APD.SOP.5010 "Criminal Investigations Division."
- 4.25 Secretary
- 4.25.1 The Secretary is responsible for the efficient and orderly operation of the files and filing of reports.
- 4.25.2 The Secretary will make master files for all incoming incident reports. The master file will be maintained in numerical order. Each master file document will be filed in chronological order. Each file will contain an index listing the documents contained in the file.
- 4.25.3 The Secretary will handle the phone, take messages and assist victims that come into the office. The Secretary will type incident reports, letters, supplements and other reports for the investigators and supervisors, if requested to do so.
- 4.25.4 The Secretary will type the suspect and witness statements while the investigator conducts the interview.
- 4.25.5 The Secretary will assist the Unit in any situation requiring clerical services.

4.25.6 When there is a shortage of typists, the Special Victims Unit secretary will assist other units in typing statements, supplements, warrants, etc., at the direction of the Special Victims Unit Supervisor.

5. DEFINITIONS

5.1 Abandonment: Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

5.2 Child: A person under the age of 17 years of age.

5.3 Child Abuse: Any situation in which parents, guardians or other responsible adults have inflicted physical assaults upon a child, to include sexual abuse; when the child has been exploited for sexual purposes such as through prostitution or pornography; has been subjected to reckless endangerment that has or would likely cause physical harm; or, has been subjected to emotional assault such as close, sustained confinement.

5.4 Child Neglect: Any situation in which parents, guardians, or other responsible adults have failed to provide for the essential physical needs of the child to include food, clothing and shelter and that caused or would likely cause serious physical injury, sickness or disability; failure to provide essential medical care necessary to treat or prevent serious physical injury, illness or emotional disability; or failure to provide needed emotional nurturing and stimulation that has or could likely cause emotional injury over time.

5.5 CODIS: Combined DNA Index System – Nationwide database administered locally by the GBI. Repository for DNA profiles of certain known felons and for unknown suspects in crimes where DNA evidence was successfully collected and analyzed.

5.6 Failure to thrive: is a description applied to children whose current weight or rate of weight gain is significantly below that of other children of similar age and sex. It is important to determine whether the failure to thrive results from medical problems with the child or from psychosocial factors in the environment, such as abuse or neglect.

5.7 Rape: Any penetration of the female sex organ by the male sex organ. A person commits the offense of rape when he has carnal knowledge of a female forcibly and against her will; or a female who is less than ten years of age.

5.8 Sexual Assault: Includes rape and other forcible, non-consensual sex acts as defined by law, in relation to adult female and male victims. Investigating sexual assaults against juveniles include statutory rape, child molestation, aggravated child molestation and enticing a child for indecent purposes.

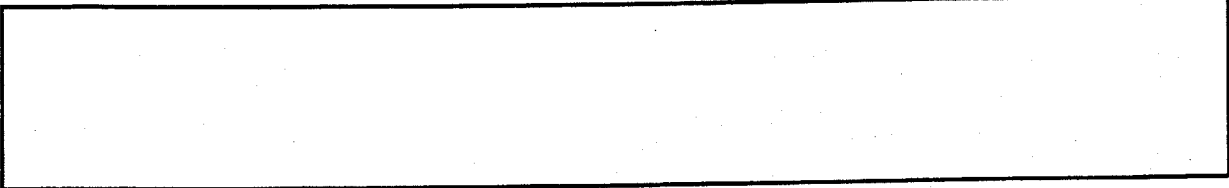
6. CANCELLATIONS

APD.SOP.5210 "Special Victims Unit", dated July 1, 2005.

7. REFERENCES

Federal Law 42 U.S.C. 5780 "National Child Search Assistance Act

Georgia Criminal Code, Title 5, Subsection 70, Cruelty to Children
Georgia Criminal Code, Title 16, Chapter 6 Sexual Offenses.



Georgia Criminal Code, Title 19, Chapter 15 Child Abuse.

APD.SOP.5010 "Criminal Investigations Division."

APD.SOP.3030 "Arrest Procedures."

APD.SOP.3085 "Missing Persons."

Atlanta Police Department Organizational Chart

Office of the Chief

Chief of Staff

Public Affairs Unit

GLBT Liason

Chaplaincy Unit

Staff Inspections Section

Extra Jobs Unit

Staff Inspections Unit

Atlanta Retired Police Reserve

Hispanic Liaison

Planning & Research / Accreditation

Office of Professional Standards

Police Operations Bureau

Field Operations Division

Night Commander

Crime Analysis Unit

Community Services Unit

Zone 1

Zone 2

Zone 3

Zone 4

Zone 5

Zone 6

Airport Precinct

Special Operations Section

DUI Task Force

Helicopter Unit

Mounted Patrol

Special Weapons and Tactics

Criminal Investigations Division

Executive Protection

Major Crimes Section

Homicide Unit

General Investigations

Special Victims Crimes Unit

Fugitive Unit

Regional Fugitive Task Force

School Detectives

Central Investigations

Commercial Robbery Unit

Auto Theft Task Force

Major Fraud Unit

Pawn Desk

Special Enforcement Section

Homeland Security

Cyber Crimes Unit

Gangs and Guns Squad

Intelligence Squad

Electronic Surveillance Unit

Red Dog Unit

High Intensity Drug Trafficking Area

Narcotics Enforcement Unit

Financial Investigations Unit

Weed & Seed Unit

Centralized Narcotics Unit

Project Safe Neighborhood

License and Permits

Vice Unit

Human Trafficking

Support Services Division

Corporate Services Section

Financial Management

Property Control

Fleet Management

Information Services Section

Central Records

Audit & Compliance

Identification Unit

Communications Section

911 Communications Center

Validation Unit

Electronic Maintenance Unit

Communications Training Unit

Human Resources Section

Personnel Services

Recruitment

Training Academy

Division of Taxicabs & Vehicles for Hire

EXECUTIVE SUMMARY

Austin, Texas – Requirements Related to Sex Crimes and Offenders

Introduction

There are various sources of authority that establish the requirements that the Austin Police Department (“APD”) must comply with in relation to sexual crime investigations. The Texas statutes govern sex offender registration requirements, mandatory police training, police requested medical examinations, notification of victims’ rights, and confidentiality of victim information (collectively the “Statutory Requirements”). Additionally, the Sexual Assault Prevention and Crisis Services Protocol for the Collection of Evidence places requirements on the APD, as mandated by state law. Lastly, the APD has issued the Sex Crimes Unit Standard Operating Procedures and the Sex Crimes Unit Detective Operating Manual (collectively, the “Department Policy”).

State Law Requirements

The Statutory Requirements impose obligations on the Texas Department of Public Safety (“TDPS”), courts, penal institutions, and the APD. The sex offender registry law mandates that sex offenders verify and update registration information with local law enforcement agencies and periodically report to local law enforcement agencies in accordance with a predetermined schedule. The sex offender registry law also requires the APD to disclose certain sex offender information to campus security forces of higher educational institutions and superintendents of local schools. Additionally, the APD is permitted to disclose public sex offender information to the general community. State law requires the APD to submit all sex offender registration information to TDPS for input into TDPS’ computerized central database containing all sex offender registration information.

The Statutory Requirements also mandate that law enforcement training curriculum include courses in the investigation and documentation of sexual assault. With regard to investigating sexual crimes, the Statutory Requirements require the APD to request medical examinations for victims of sexual assault who report to the agency within 96 hours of the assault, and must also provide the victim with written information about victims’ rights. Statutory Requirements further protect victims by requiring the APD to use a pseudonym on all police reports and files, at the victim’s request.

The Statutory Requirements require the Sexual Assault Prevention and Crisis Service, a program within the Texas Office of Attorney General, to develop and distribute an evidence collection protocol (the “Protocol”) to all law enforcement agencies and medical personnel. The Protocol contains requirements for evidence collection protocol kits, and the collection and transportation of evidence. The Protocol also contains recommended procedures for a first responding officer.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Local Requirements

Department Policy establishes internal procedures for contacting and deploying the Sex Crimes Unit (“SCU”). Department Policy also provides guidelines for detectives in determining when they must report to the scene of a sexual crime. In addition, Department Policy contains procedures for assigning detectives to cases, selecting and training detectives, and managing all case records. Specific investigative procedures relating to the collection and preservation of evidence, the release of information to the public, and the release of arrested persons are also outlined.

Comparison of Requirements for Austin Police Department and Requirements for Cleveland Division of Police

Overall, the APD and the Cleveland Division of Police (“CPD”) are subject to different requirements.

At the state level, the Statutory Requirements impose greater responsibility on the APD with regard to sex offender laws. Additionally, the APD has a special unit dedicated to sex offender compliance; however, the creation of the unit is not required under state law. Texas and Ohio state laws also impose different training requirements on their respective police officers. With regard to victims, the Statutory Requirements mandate that police officers request medical examinations for victims of sexual assault and also require police departments to pay for the medical services.

At the local level, the APD Department Policy is significantly different than CPD policy. Although both police departments have sex crime units they differ in unit structure, available equipment, and in the requirements for selecting and training detectives. Additionally, the APD Department Policy contains more comprehensive guidelines with regard to investigative procedures.

SUMMARY

Austin, Texas – Requirements Related to Sex Crimes and Offenders

Background Information on the City of Austin and the Austin Police Department

Austin is the capital of Texas and home to approximately 757,688 people. U.S. Census Bureau estimate from July 1, 2008. The Austin Police Department (“APD”) has approximately 1,466 police officers. Crime in the United States 2008. The APD Sex Crimes Unit (“SCU”) currently has one sergeant, one lieutenant, 11 detectives, and one administrator. The SCU is within the Violent Crimes Division of the APD. The table below demonstrates the number of forcible rapes made in recent years:

<u>Year</u>	<u>Number of Forcible Rapes</u>
2007	328
2008	273

Crime in the United States 2007; Crime in the United States 2008. The Uniform Crime Reporting Program defines forcible rape as: (1) rape by force; (2) attempt to rape; and (3) assault to rape.

Sources of Authority Regarding Austin Police Department Requirements Related to Sexual Offenses

There are five separate sources of authority that establish the requirements that the APD must comply with in relation to sexual offense investigations: (1) the Texas Code of Criminal Procedure sex offender registration program; (2) the Texas statutes relating to mandatory police training, police requested medical examinations, notification of victims’ rights, and confidentiality of victim information; (3) the Sexual Assault Prevention and Crisis Services Protocol for the Collection of Evidence; (4) the APD Sex Crimes Unit Standard Operating Procedures; and (5) the APD Sex Crimes Unit Detective Operating Manual. All sources referenced in this Summary are attached.

Texas Code of Criminal Procedure Sex Offender Registration Program

The Texas Code of Criminal Procedure contains a sex offender registration program which requires persons receiving a reportable conviction or adjudication, occurring on or after September 1, 1970, to register with law enforcement. (TEX. CODE CRIM. PROC. art. § 62.002(a)). The system creates obligations on the part of the offenders, the court system, jails and prisons, and the Texas Department of Public Safety (“TDPS”). The registration system is outlined below.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

I. Who Qualifies as a Sex Offender

The registry will apply to any person who resides, works, or attends school in Texas with a reportable conviction or adjudication, including an adjudication of delinquent conduct or a deferred adjudication, based on the following offenses:

- Continuous sexual abuse of young child or children (TEX. PENAL CODE § 21.02)
- Indecency with a child (TEX. PENAL CODE § 21.11)
- Sexual assault (TEX. PENAL CODE § 22.011)
- Aggravated sexual assault (TEX. PENAL CODE § 22.021)
- Prohibited sexual conduct (TEX. PENAL CODE § 25.02)
- Compelling prostitution (TEX. PENAL CODE § 43.05)
- Sexual performance by a child (TEX. PENAL CODE § 43.25)
- Possession or promotion of child pornography (TEX. PENAL CODE § 43.26)
- Aggravating kidnapping with intent to violate or abuse the victim sexually (TEX. PENAL CODE § 20.04(a)(4))
- Burglary, if the premises are a habitation and the actor committed the offense or engaged in the conduct with intent to commit: continuous sexual abuse of young child or children; indecency with a child; sexual assault; aggravated sexual assault; prohibited sexual conduct; or aggravating kidnapping with intent to violate or abuse the victim sexually (TEX. PENAL CODE § 30.02)
- Unlawful restraint, if there is an affirmative finding that the victim or intended victim was younger than 17 years of age (TEX. PENAL CODE § 20.02)
An affirmative finding must be found in either the order in the hearing, the papers in the case, or from judicial determination (TEX. CODE CRIM. PROC. art. 42.015).
- Kidnapping, if there is an affirmative finding that the victim or intended victim was younger than 17 years of age (TEX. PENAL CODE § 20.03)
- Aggravated kidnapping if there is an affirmative finding that the victim or intended victim was younger than 17 years of age (TEX. PENAL CODE § 20.04)
- Attempt, conspiracy or solicitation to commit an offense or engage in any of the above offenses. (TEX. PENAL CODE §§ 15.01-15.03)
- Online solicitation of a minor (TEX. PENAL CODE § 33.021)
- A conviction, adjudication, or adjudication of delinquent conduct based on a violation of the laws of another state, federal law, laws of a foreign country, or the Uniform Code of Military Justice for or based on a violation of an offense containing elements that are substantially similar to the elements of any of the above offenses.

TDPS is responsible for determining whether offenses contain elements that are substantially similar to the elements of Texas offenses (TEX. CODE CRIM. PROC. art. 62.003(a)).

- Indecent exposure, if it is the offender's second violation and the violation did not result in a deferred adjudication (TEX. PENAL CODE § 21.08)
- A conviction, adjudication, or adjudication of delinquent conduct based on the second violation of the laws of another state, federal law, laws of a foreign country, or the Uniform Code of Military Justice for or based on a violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure.

(TEX. CODE CRIM. PROC. art. 62.0001(5)).

II. Risk Level Determination

In Texas, each sex offender is assigned a numeric level of risk indicating the level of risk the sex offender poses to the community. Note also that Texas (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder. The table below illustrates the three levels of risk used in Texas:

Level	Description
Level One (low)	The person poses a low danger to the community and will not likely engage in criminal sexual conduct
Level Two (moderate)	The person poses a moderate danger to the community and might continue to engage in criminal sexual conduct
Level Three (high)	The person poses a serious danger to the community and will continue to engage in criminal sexual conduct

(TEX. CODE CRIM. PROC. art. 62.007(c)).

A sex offender is assigned a risk level prior to being released from a penal institution. (*See infra* III(C)). The term "penal institution" includes all Texas Department of Criminal Justice and Texas Youth Commission confinement facilities; including prisons, jails, and juvenile facilities. (TEX. CODE CRIM. PROC. art. 62.001(3)). If the sex offender receives an order: (1) deferring adjudication, (2) placing the offender on community supervision or juvenile probation; or (3) imposing only a fine, then the court issuing the order will assign the offender a risk level. (TEX. CODE CRIM. PROC. art. 62.053(c)).

III. Registration

A. *Registration Location*

A sex offender must register with the local law enforcement authority in the municipality where the person resides. (TEX. CODE CRIM. PROC. art. 62.004). If the offender is a non-resident who works or attends school in Texas, then the offender must register with the local law enforcement authority in the municipality where the person works or goes to school. Id.

As of June 19, 2009 new state law took effect that allows a county with a population of 100,000 or more to designate either the county sheriff's office, or an office of a chief of police of a municipality in that county as a centralized registration authority ("CRA"). (TEX. CODE CRIM. PROC. art. 62.0045). A CRA serves as the mandatory countywide registration location for all sex offenders subject to registration in that county. Id. The statute requires the commissioners' court in the county to vote on and approve a CRA designation. Id. Currently, Travis County does not have a CRA, thus, a sex offender residing in the city of Austin must register with the APD.

B. *Registration Forms*

TDPS is responsible for creating and distributing registration forms to all entities that fill them out, including local law enforcement authorities, county jails, and courts. (TEX. CODE CRIM. PROC. art. 62.051(b)). State law requires the registration form to contain the following information:

- The offender's full name and alias, date of birth, sex, race, height, weight, eye color, hair color, social security number, driver's license number, and shoe size
- The offender's home address
- The offender's home, work, or cellular telephone number
- A recent color photograph, or an electronic digital image of the person
- A complete set of the person's fingerprints
- The type of offense the person was convicted of, the age of the victim, the date of the conviction, and the punishment received
- An indication as to whether the person is discharged, paroled, or released on juvenile probation, community supervision, or mandatory supervision
- Any business, occupational, or professional licenses held by the offender
- An indication as to whether the offender will be employed, carrying on a vocation, or enrolled as a student at a particular public or private institution of higher education in any state, and the name and address if applicable
- The identification of any online identifier established or used by the person
- Any other information required by TDPS

- A statement and description of the offender's registration duties

(TEX. CODE CRIM. PROC. art. 62.051(c)-(d)).

C. Initial Registration

The initial registration process differs depending on the type of punishment the offender receives. If the offender was ordered to confinement in a penal institution, then an official in the penal institution will complete the registration form, prior to the offender's release, and inform the person of his or her statutory reporting duties. (TEX. CODE CRIM. PROC. art. 62.053(a)). Seven days prior to the offender's release date, the official must send the person's completed registration form and numeric risk level to TDPS, and either:

- The applicable local law enforcement in the municipality or county in which the person expects to reside, if the person will reside in Texas, or
- The law enforcement agency that is identified by TDPS as the agency designated by another state to receive registration information, if the person will reside outside the state of Texas

(TEX. CODE CRIM. PROC. art.62.053(b)).

If the offender receives an order: (1) deferring adjudication, (2) placing the offender on community supervision or juvenile probation; or (3) imposing only a fine, then the court will ensure that the initial registration form is completed on the day the order is entered. (TEX. CODE CRIM. PROC. art. 62.053(c)).

D. Subsequent Verification of Registration upon Release from a Penal Institution

Within seven days after release from a penal institution in Texas, the offender must report to the applicable local law enforcement authority to verify the information on the registration form. The local law enforcement authority must first demand proof of the person's identity and residence prior to giving the offender the registration form. (TEX. CODE CRIM. PROC. art. 62.051(f)). After any necessary corrections are made, the offender must sign the registration form, verifying its accuracy. Id.

E. Annual Reporting Requirements for Offenders

Sex offenders must report to the local law enforcement agency on a yearly basis to verify their information. (TEX. CODE CRIM. PROC. art. 62.058). The sex offender must report to the law enforcement agency no earlier than 30 days before and no later than 30 days after the sex offender's birthday. Id. The Texas statute requires stricter reporting requirements for sex offenders who have committed at least two sexually violent offenses. Id. A sexually violent offense is any of the following offenses that are committed by a person 17 years of age or older (Id.):

- Continuous sexual abuse of young child or children (TEX. PENAL CODE § 21.02)
- Indecency with a child (TEX. PENAL CODE § 21.11)
- Sexual assault (TEX. PENAL CODE § 22.011)
- Aggravated sexual assault (TEX. PENAL CODE § 22.021)
- Aggravating kidnapping with intent to violate or abuse the victim sexually (TEX. PENAL CODE § 20.04(a)(4))
- Sexual performance by a child (TEX. PENAL CODE § 43.25)
- Burglary, if the premises are a habitation and the actor committed the offense or engaged in the conduct with intent to commit: continuous sexual abuse of young child or children; indecency with a child; sexual assault; aggravated sexual assault; prohibited sexual conduct; or aggravating kidnapping with intent to violate or abuse the victim sexually (TEX. PENAL CODE § 30.02)
- An offense under the laws of another state, federal law, or foreign country if the offense contains elements substantially similar to the above offenses

If a sex offender has committed two or more sexually violent offenses, then the sex offender must report to the local law enforcement agency every ninety days. Id.

The Texas statute also imposes stricter reporting requirements if the offender has been civilly committed as a sexually violent predator. (TEX. CODE CRIM. PROC. art. 62.202). The Texas Sexually Violent Predator Act permits civil commitment for individuals that the State proves are sexually violent predators beyond a reasonable doubt. (TEX. CODE HEALTH & SAFETY art. 4, § 841). A sexually violent predator is someone who is a repeat offender, convicted of more than one sexually violent offense, and who suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. Id. § 841.003. A sex offender that was civilly committed as a sexually violent predator must report once every 30 days. Id. Once a court releases the person from all requirements of the civil commitment process, the offender must then report every ninety days. Id.

Additionally, a local law enforcement agency may at any time mail a nonforwardable verification form to a sex offender's residence. Id. If a verification form is sent, then the sex offender must return the form within twenty-one days. Id.

F. Additional Reporting Requirements for Offenders

In addition to initial registration and verification of registration, an offender must report to a law enforcement agency when he changes his address within Texas, moves outside of Texas, starts attending school in Texas, starts working in Texas, changes his online identifier, experiences a change in his health status, experiences any change in employment or school enrollment, or changes his name.

G. Registration Form—Duties of Local Law Enforcement Authorities

Within three days after a person registers or verifies registration with the local law enforcement authority, the local law enforcement authority must send a copy of the registration form to TDPS. (TEX. CODE CRIM. PROC. art. 62.051(e)).

IV. Community Notification of Registry Information

A. Campus Security of an Institution of Higher Education

Within three days after a person registers or verifies registration with the local law enforcement authority, the local law enforcement authority must send a copy of the registration form to campus security, if the offender resides on the campus of a public or private institution of higher education. (TEX. CODE CRIM. PROC. art. 62.051(e)). Similarly, within three days after TDPS receives registration information or verification of registration information, TDPS must send a notice to the campus security of any institution where a sex offender will be employed or enrolled as a student. (TEX. CODE CRIM. PROC. art. 62.005(h)).

B. Superintendents of Public Schools and Administrators of Private Schools

A local law enforcement authority may be required to provide notice to schools if any of the following circumstances apply (TEX. CODE CRIM. PROC. art. 62.054):

- The victim, at the time of the offense, was 17 years of age or younger
- The victim, at the time of the offense, was enrolled in a secondary school
- The sex offender is a student enrolled in a secondary school
- The offense was sexual performance by a child (or a substantially similar offense under the laws of another state)
- The offense was possession or promotion of child pornography (or a substantially similar offense under the laws of another state)

If one of the above circumstances applies, then the local law enforcement authority must provide notice to both the superintendent of the public school district and to the administrators of any private schools located in the public school district in which the person subject to registration intends to reside. (TEX. CODE CRIM. PROC. art. 62.053(e)). The notice must be sent in the mail and must include any information that the law enforcement agency determines is necessary to protect the public, with the exception of the following information (Id.):

- Social Security Number
- Driver's License Number
- Home, work, or cellular telephone number
- Any information that would identify the victim of the offense

C. Public Notice

Local law enforcement authorities are permitted to provide public notice of a Level Three sex offender in any manner it sees fit, unless the sex offender is subject to registration because of one or more adjudications of delinquent conduct. (TEX. CODE CRIM. PROC. art. 62.056(d), 62.062). Permissible mediums include: newspapers, periodicals, circulars, neighborhood meetings, neighborhood postings, or specialized websites. Id.

Additionally, TDPS is responsible for providing public notice for certain offenders. (TEX. CODE CRIM. PROC. art. 62.056, 62.201). If a sex offender is a Level Three or is civilly committed as a sexually violent predator, then TDPS must provide public notice within seven days of the offender's release and within ten days after an offender's move. Id. The notice must be written and delivered to each address within a one-mile radius (non-subdivided area) or a three block area (subdivided area) of where the sex offender plans on living. Id. The notice must be written in English and in Spanish and may include any public information. Id.

V. Exemption from Registration for Young Adults and Juveniles

Under extremely limited circumstances, a young adult may petition the court for an order exempting the person from registration at any time after the person's sentencing or after the person is placed on community supervision. (TEX. CODE CRIM. PROC. art. 62.301). A person is eligible to petition the court for an exemption if all of the following conditions are met (Id.):

- the person is required to register as a result of a single reportable conviction or adjudication
- the offense is one of the following:
 - Continuous sexual abuse of young child or children (TEX. PENAL CODE § 21.02)
 - Indecency with a child (TEX. PENAL CODE § 21.11)
 - Sexual assault (TEX. PENAL CODE § 22.011)
 - Aggravated sexual assault (TEX. PENAL CODE § 22.021)
 - Sexual performance by a child (TEX. PENAL CODE § 43.25)
- the judge in the case made affirmative findings that: (1) at the time of the offense, the defendant was younger than 19 years of age and the victim was at least 13 years of age; and (2) the conviction is based solely on the ages of the defendant and the victim or intended victim at the time of the offense.

If the court grants the petition for an order exempting registration, the court will withdraw the order if the sex offender receives another reportable conviction or adjudication. Id.

Additionally, if the offender has an adjudication of delinquent conduct the juvenile court has the authority to enter an order exempting the juvenile from registration requirements. (TEX. CODE CRIM. PROC. art. 62.356).

VI. Length of Duty to Register

The period that an offender is required to register varies based upon the type of offense committed. (TEX. CODE CRIM. PROC. art. 62.101). Offenders must register for life if the following offenses were committed, unless the offender only received an adjudication of delinquent conduct (Id.):

- Sexually violent offense
- Prohibited sexual conduct (TEX. PENAL CODE § 25.02)
- Compelling prostitution (TEX. PENAL CODE § 43.05)
- Possession or promotion of child pornography (TEX. PENAL CODE § 43.26)
- Indecency with a child, if the offender has received another reportable conviction or adjudication, before or after the conviction for indecency with a child (TEX. PENAL CODE § 21.11)
- Unlawful restraint, if: (1) there is an affirmative finding that the victim or intended victim was younger than 17 years of age; and (2) the offender has received another reportable conviction or adjudication, before or after the conviction for unlawful restraint (TEX. PENAL CODE § 20.02)
- Kidnapping, if: (1) there is an affirmative finding that the victim or intended victim was younger than 17 years of age; and (2) the offender has received another reportable conviction or adjudication, before or after the conviction for kidnapping (TEX. PENAL CODE § 20.03)
- Aggravated kidnapping, if: (1) there is an affirmative finding that the victim or intended victim was younger than 17 years of age; and (2) the offender has received another reportable conviction or adjudication, before or after the conviction for aggravated kidnapping (TEX. PENAL CODE § 20.04)

All other sex offenders, not subject to lifetime registration, must register for a period of ten years after the person is released from a penal institution or discharged from community supervision. Id.

If the sex offender's duty to register has expired, then the local law enforcement agency must remove all information about the person from the sex offender registry and notify TDPS that the person's duty to register has expired. (TEX. CODE CRIM. PROC. art. 62.251). Although this statutory section directs local law enforcement agencies to directly remove information from the database, when all statutory sections are read together it appears as though local law enforcement agencies transfer all information to TDPS, and TDPS is in charge of adding information to and deleting information from the database.

VII. Central Database

TDPS is required to maintain a computerized central database containing all sex offender registration information. (TEX. CODE CRIM. PROC. art. 62.005). TDPS must also maintain a photograph of the sexual offender in the database. Id. The information contained in the database is open to the public with the exception of the following information (Id.):

- Social Security Numbers
- Driver's License Numbers
- Home, work, or cellular telephone numbers
- Online identifiers
- Information that would identify the victim

Law enforcement agencies must release the public information to any person who makes a request. The Texas statute allows the agencies to charge a reasonable administrative fee for the disclosure of information. Id.

VIII. Immunity

The Texas statute provides general immunity for all officers employed by law enforcement agencies as long as the law officers act with good faith in abiding by the statutory requirements. (TEX. CODE CRIM. PROC. art. 62.008). Law enforcement agencies are also immune from liability for releasing any sex offender's public information. (TEX. CODE CRIM. PROC. art. 62.009).

Texas Statutes Other Statutory Requirements

I. General Police Training

Texas law requires that the law enforcement training curriculum contain courses in the investigation and documentation of cases involving sexual assault and crime victims' rights. (TEX. OCC. CODE § 1701.253). The documentation training must include instruction on how to make a written account of injuries, record victim injuries by photograph or videotape, and record victim statements. Id. Law enforcement officers must also participate in continuing education programs every 48 months. (TEX. OCC. CODE § 1701.352). If the officer holds only a basic proficiency certificate, then the officer must receive continuing education training that includes the recognition and documentation of cases involving sexual assault. Id.

II. Mandatory Request for a Medical Examination

Texas law requires law enforcement officers to request a medical examination for all victims of a sexual assault who report within 96 hours of the assault, as long as the victim consents. (TEX. CODE CRIM. PROC. art. 52.06). A law enforcement officer *may* decline to request an examination if the person reporting the sexual assault has made a prior false report of sexual assault and there is no other corroborative evidence relating to the current allegation. Id. If the victim does not report to the law enforcement agency within 96 hours after the alleged assault, then it is within the law enforcement officer's discretion to request an examination. Id. Additionally, under state law the APD is required to pay the hospital and nurse for the victim's medical services unless the case is not prosecutable. Id.

III. Notification of Victims' Rights

State law requires law enforcement agencies to provide written notice to all sexual assault victims containing the following (TEX. CODE CRIM. PROC. art. 52.07):

- Information about emergency medical services
- Statement that the victim has the right to receive information regarding compensation, including compensation for a sexual assault medical examination
- The name, address, and phone number of the local law enforcement agency's victim assistance liaison

The law enforcement officer is also required to provide a sexual assault victim with a referral to a sexual assault program and a written description of the services provided by that program. Id.

IV. Confidentiality of Victim Information

State law allows victims of sexual assault to choose a pseudonym to be used on all public files and records, including police reports and records of judicial proceedings. (TEX. CODE CRIM. PROC. art. 57.02). If a victim chooses to use a pseudonym, then the local law enforcement agency must provide the sexual assault victim with a pseudonym form. Id. Upon completion, the local law enforcement agency must: (1) remove the victim's name and substitute the pseudonym on all reports, files, and records; (2) notify the attorney for the state of the pseudonym; and (3) maintain the pseudonym form in a confidential manner. Id.

Texas Statutes

The Sexual Assault Prevention and Crisis Services Act

The Sexual Assault Prevention and Crisis Services Act (the "Act") was enacted to create nonprofit programs for sexual assault victims and to standardize victim services. (TEX. GOV'T CODE §§ 420.001-420.002). The Act requires the Sexual Assault Prevention and Crisis Services ("SAPCS"), a program within the Texas Office of Attorney General, to develop and distribute an evidence collection protocol (the "Protocol") to all law enforcement agencies and medical

personnel. (TEX. GOV'T CODE § 420.031). The Protocol must contain a list of requirements for the contents of evidence collection kits. Id. The Act requires that the evidence collection kits, at a minimum, contain items to collect and preserve evidence of a sexual offense and any other items that the Attorney General deems necessary. Id.

SAPCS Texas Evidence Collection Protocol

The Protocol contains the requirements for evidence collection protocol kits, as required under state law, and also provides *recommendations* on procedures for the identification, collection, and preservation of physical evidence, some of which have been incorporated into the APD Detective Operating Manual. The Protocol contains both an adult protocol and child protocol. The Protocol is extensive and covers detailed procedures relating to the medical examiner's collection of evidence. This section summarizes a few select parts of the adult protocol.

I. Required Evidence Collection Kit

The kit must contain certain items for collection and suggests that a physical examination be performed in all cases of sexual assaults, although the use of an evidence collection kit is only necessary if the assault occurred within the 72 hours prior to the examination, since most trace evidence would not be present on the victim after 72 hours.

II. Recommended Procedure for Responding Officer

The Protocol recommends a responding officer take the following steps:

- Ensure the immediate safety and security of the victim
- Obtain all necessary information to complete the offense report, including preliminary interviews
- Secure all physical evidence
- Advise the victim of:
 - The availability of a designated sexual assault facility
 - The importance of seeking an immediate medical examination
 - The importance of preserving physical evidence prior to the hospital examination, i.e., evidence may be destroyed by washing, showering, etc.
 - Recommend that a change of clothes should be brought to the hospital
 - The availability of support services
- Conduct a preliminary interview and obtain information relating to:
 - The offense committed
 - Where and when the offense took place

Extent of the injuries

Whether a weapon was involved

The identity/description of the assailant

Where the offender works/lives

The direction in which the offender fled

Description of the offender's vehicle

The victim's home, work, and third person contact number and address

APD Sex Crimes Unit Standard Operating Procedures

The APD Sex Crimes Unit ("SCU") is responsible for investigating sexual assaults committed against victims 17 years of age or older and certain misdemeanor crimes. The following offenses are subject to SCU investigations:

- Rape, attempted rape, aggravated rape, or attempted aggravated rape
- Sexual assault, attempted sexual assault, aggravated sexual assault, or attempted aggravated assault
- Public lewdness
- Indecent exposure
- Sexual exploitation by a mental services provider
- Forced sodomy, attempted forced sodomy, aggravated forced sodomy, attempted aggravated forced sodomy
- Serial sexual assault
- Window peeping
- Improper photography or visual recording
- Burglary of a resident with intent to commit sexual assault
- Kidnapping with an attempted or committed sexual assault

The SCU has implemented the SCU Standard Operating Procedures (the "SOP") which generally tracks state law requirements, but also adds procedures and guidelines unique to the SCU.

I. SCU Statement of Purpose

The SOP mandates that all SCU detectives investigate all reported offenses until all leads have been exhausted, no criminal complaint can be filed, or the perpetrator is brought before a proper court. The SOP requires that all detectives have an awareness of the sensitive nature of sexual offenses and the resulting physical and emotional trauma to victims. The SOP requires

the SCU to collaborate with Victim Services and members of the Sexual Assault Response and Resource Team.

II. Deployment of the SCU

A. *Procedure for Contacting SCU After Hours*

The normal working hours of the SCU are from 7:00 am to 5:00 pm, Monday through Friday. The SCU retains an on-call detective at all times and updates the computer aided dispatch system with the current on-call detective's name and information. All detectives are required to accept rotational on-call duty. All on-call detectives must carry an issued pager or provide a telephone number where they can be reached. On-call detectives are provided a city vehicle in order to respond immediately to a crime scene. If a patrol officer requests SCU assistance after normal working hours, then either the patrol officer's supervisor or the APD Communication Division will contact the current on-call detective. The on-call detective must assist officers by offering advice or responding to the scene to assist the officers, and must begin an investigation.

B. *Procedure for Determining whether a Detective will Report to the Scene*

The SOP requires all unit detectives, including on-call detectives, to respond to a crime scene under any of the following circumstances:

- When requested by the SCU Sergeant or a patrol supervisor
- The offense is a home invasion
- There is serious injury to the victim or suspect
- There is a possible serial rapist
- The offense involves the arrest of a suspect for a felony charge
- The offense involves attempted rape or sexual assault AND includes any of the above circumstances

The SOP states that all detectives *may* respond to the crime scene under any of the following circumstances:

- The crime scene is complicated
- A victim has walked in to a hospital for a sexual assault examination
- The incident involves an unknown offender
- The incident involves an abduction
- Eye witnesses need to be interviewed
- The incident involves date rape drugs
- Evidence may be destroyed or lost due to time sensitivity

When on-call detectives have discretion to respond to a scene, the SOP specifically requires on-call detectives to consider the importance of proper trace evidence collection. Despite the above guidelines, the SOP grants the SCU Sergeant the authority to determine whether it is necessary to report to a scene on a case-by-case basis.

III. SCU Procedure for Assigning Detectives to Sexual Crime Cases

The SCU Sergeant, or a designated detective, is responsible for assigning felony sexual assault cases to detectives. The SOP requires that felony sexual assault cases be assigned in an equitable manner and in consideration of the following factors:

- The detectives available and their relative expertise
- The number and types of cases assigned to each detective
- Each detective's scheduled appointments and interviews
- Amount of time since the missing person went missing
- Urgency of the case

Misdemeanor cases are assigned based on the location where the offense occurred. All SCU detectives are assigned a sector and all misdemeanor cases that arise within the sector are assigned to that sector's detective. The SOP requires that all unassigned cases be reviewed every morning, Monday through Friday, although the SOP does not delegate this responsibility to a particular individual.

IV. SCU Personnel

The SCU has a Sergeant, detectives and administrative personnel that are responsible for administrative tasks such as answering phones, serving as the unit's timekeeper, initiating offense reports, logging calls from the "Sex Crimes Tip Line" and from the overnight answering machine, filing offense investigation records, and responding to subpoena requests.

V. Personnel Selection and Training Procedures

The SCU Sergeant is selected by the Lieutenant of Violent Crimes III. The Lieutenant selects the Sergeant based on work experience, interpersonal skills, and general reputation as a supervisor. SCU detectives are selected by the SCU Sergeant and are subject to approval of the Violent Crimes III chain of command. The SCU Sergeant selects detectives based on the following:

- Desire to investigate sex crimes
- Submission of a transfer request
- Work experience

- Interpersonal skills
- General reputation as a detective or police officer

In order to be eligible for a promotion to the position of a detective, the Collective Bargaining Agreement between the City of Austin and the Austin Police Association, requires all officers to pass a written examination. However, additional bonus points are added to the test score for education and seniority. The SCU Sergeant and all SCU detectives must attend mandatory in-service training, firearms qualifications, and other specialized training required by the APD. Additionally, SCU detectives must participate in an annual readiness drill and a bi-annual training on Weapons of Mass Destruction preparedness and response.

VI. Annual SCU Inspection

According to the SOP, the Inspections Unit of the Headquarters Bureau Risk Management Division performs an annual staff inspection of the SCU. The inspection seeks to compare the APD's formal expectations with the actual performance of the SCU.

VII. Records Management

The SOP provides specific instructions for the maintenance of case jackets, which contain all investigation records. For active cases, detectives must maintain the case jackets and keep them out of public view and secured in a locked filing cabinet when the detective is out of the office. After a case closure, the original case jacket, including the incident report, must be turned over to the SCU administrative personnel. All case jackets for the current calendar year and the prior two years are maintained at the SCU office. The records are then stored at the City's off-site storage facility, in accordance with the Texas State Library and Archives Commission rules and guidelines.¹

VIII. SCU Vehicle and Equipment Operation

The SOP permits SCU detectives and the SCU Sergeant to drive unmarked vehicles. The SOP requires that the vehicles be used only for investigative purposes and prohibits using the vehicles in pursuits. SCU detectives must collectively coordinate regular vehicle maintenance. All collisions must be reported to the SCU Sergeant immediately. SCU personnel must fill out a "Take Home Vehicle" form on an annual basis. SCU personnel are also issued pagers. Detectives must immediately report all lost or stolen pagers to the SCU Sergeant.

APD Sex Crimes Unit Detective Operating Manual

In addition to the SCU SOP, the SCU has also implemented the Detective Operating Manual (the "DOM") which outlines specific procedures that SCU detectives must follow when investigating sexual offenses.

¹ The Texas Government Code § 441.158 and the Texas State Library Archives Commission regulate the retention of records.

I. General Investigative Procedures

In addition to the general responsibilities outlined in the SOP, the DOM requires that SCU detectives do the following when investigating assigned cases:

- Create a case jacket
- Check available computer systems and other law enforcement agencies for the criminal history of persons involved in the investigation
- Create an electronic offense report and update as needed

Each offense has its own Uniform Crime Reporting (“UCR”) title code that must be indicated in the offense report

- The detective must change, add, or delete title codes as necessary
- If the detective is changing a title code from a Part I UCR crime to a Part II UCR crime, then approval from the SCU Sergeant is required
 - Part I UCR crimes include forcible rape and Part II UCR crimes include sexual offenses. However, the computer reporting system has many title codes associated with sexual assault.
- Consult with the SCU Sergeant on controversial or complex cases and discuss the case with a prosecutor
- Regularly update the supervisor on the status of assigned cases
- Audiotape statements and confessions from victims, witnesses, and suspects, if possible

The preferred method is to video and audiotape the statements and confessions

- Examine and process crime scenes
- Collect, document, and submit evidence
- Photograph victim injuries
- Conduct pretext phone calls where the victim engages the suspect in a tape-recorded conversation about the alleged sexual assault

Pretext phone calls should be conducted in the presence of the assigned detective

The detective must consider the ability of the victim, in deciding whether or not to attempt a pretext phone call

- Determine the identity of unknown suspects via photo and physical lineups, surveillance, composites, media alerts, intelligence gathering, and use of the TRAK system

A composite should be the last means of identifying the suspect

Before requesting a composite, a detective must consider whether the victim is capable of giving an adequate description of the suspect

- Determine whether the suspect is likely to commit another sexual assault

If a possibility of re-offense exists then the following must be done with Sergeant approval:

- Contact the Public Information Office and assist in the preparation of a press release
- Prepare information to be released to patrol officers working in that area
- Prepare an alert to be sent to other law enforcement agencies
 - Usually an APD crime analyst will send the alert, not a SCU detective
- Prepare probable cause affidavits

The SCU detective must obtain the approval of the SCU Sergeant before presenting an affidavit to a judge
- Obtain search warrants

The SCU detective must obtain the approval of the SCU Sergeant before presenting a search warrant to a judge
- Document the progress of investigations through report supplements
- Update the victim on the case progression
- Compile disposition sheets and case jackets
- When a prosecutor advises against prosecution, document the name of the attorney in a supplement to the report
- Request the evidence room to dispose of seized evidence when appropriate

II. Collection and Preservation of DNA Evidence

The DOM provides the following guidelines for the collection and preservation of DNA evidence:

- Sexual assault examinations:

Should be performed by sexual assault nurse examiners (“SANE”) at St. David’s Hospital should conduct sexual assault examinations, if possible

An APD employee must authorize a sexual assault examination because under Article 56.06 of the Texas Code of Criminal Procedure the APD is

required to pay the hospital and the nurse for their services, unless the victim is being treated for injuries or the case is not prosecutable

A SCU detective must order an examination if:

- the assault occurred within 96 hours of the report
- there are possible injuries, or
- other forensic evidence may be documented through the exam

The detective that authorized the sexual assault examination is responsible for retrieving the completed rape kit, clothing, and any other evidence gathered at the hospital

- Buccal swabs may be taken by assigned detectives
- Blood samples must be taken by a medical professional
- Forensic Hits:

Notification

- The Forensics Unit will notify the detective and the SCU Sergeant of any hits via email, and SCU Sergeant will notify the detective

Documentation

- The assigned detective must conduct a follow up on all forensic hits by:
 - Notifying the assigned Assistant District Attorney
 - Documenting the hit in the offense report
 - Notifying the appropriate jurisdictional entity if the hit originated from an out of city offense report
 - Filing the appropriate charges when the forensics identify or link the offender to the offense

- Chain of Evidence:

The chain of evidence must be maintained for sexual assault evidence

- Evidence Analyzed by the APD Crime Lab:

May be returned to the Evidence Room

May be stored at room temperature

May not be destroyed unless the Assistant District Attorney authorizes destruction in writing

- According to state law, evidence may not be destroyed unless the defendant died, completed his or her sentence, or has been released on parole.

If evidence is no longer required then it may be returned to the owner or victim

- A Polaroid or digital photograph must be taken of the evidence before it is released

III. Release of Information

The DOM places restrictions on the release of case information. All information must first be approved by the Violent Crimes III chain of command. If approved, only the Commander of the Violent Crimes Division, the Lieutenant of the Violent Crimes III, the SCU Sergeant, the assigned SCU detective, or personnel assigned to the Public Information Office may release information to the news media. Additionally, the following limitations apply:

- No information may be released that will interfere with or prevent the apprehension and prosecution of the suspect
- The names of the suspects will not be released until charges have been filed
- A photograph of a suspect charged with an offense will not be released without the approval of the SCU Sergeant
- No information regarding the victim's name or any other information that could lead to the identification of the victim may be released
- No information that may interfere with or prevent the apprehension and prosecution of the suspect will be released to the victim's family members during an on-going investigation

IV. Investigative Techniques

The DOM expressly authorizes the use of interrogations, polygraphs, lineups, and search warrants in investigating sexual crimes. The DOM requires that these procedures be conducted in compliance with the relevant APD General Orders, Policies, and Procedures.

V. Releasing Arrested Persons Without Filing Charges

The DOM requires supervisory approval to release an arrested person without filing charges or to charge a prisoner with a lesser offense. If a supervisor authorizes a change in the filing of charges, the detective must note the name of the supervisor in a supplement to the

offense report. The arrested person will be released without filing charges whenever the following occurs:

- The magistrate declines to accept the probable cause affidavit
- An Assistant District Attorney advises that prosecution will be declined
- The complainant or victim refuses to file charges or assist with prosecution
- The written report by the arresting officer does not include sufficient probable cause for the arrest
- After investigation, there is insufficient probable cause to support charging the arrested person
- Filing charges may jeopardize prosecution of a more serious offense
- The arrested person is willing to assist the detective and can provide specific information that will solve a more serious offense or numerous equal offenses
- The facts will not support the original offense, but will support the filing of lesser charges

The DOM also requires the assigned detective to contact the arresting officer to obtain any additional probable cause or information, prior to releasing the arrested person. If the detective cannot reach the arresting officer, then the arrested person may be released pending further investigation. The assigned detective is required to fill out an “Officer Report Correction” form and send it to the arresting officer’s immediate supervisor for a follow up.

Comparison of Requirements for Austin Police Department and Requirements for Cleveland Division of Police

Overall the APD and Cleveland Division of Police Department (“CPD”) are subject to similar requirements, subject to the exceptions outlines below.

I. Differences in State Law Requirements

A. Texas Sex Offender Registry Laws Place more Requirements Directly on the Austin Police Department

Texas also imposes greater responsibility on local law enforcement officers with regard to registration requirements. In Ohio, sex offenders must register with and report changes to the sheriff. In Texas, sex offenders who reside, work, or go to school in Austin must report to the APD. Additionally, local law enforcement agencies make community notifications regarding sex offenders. Note also that Texas (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder. Lastly, the APD has a special unit

dedicated to sex offenders, the Sex Offender Apprehension and Registration Unit. However, the creation of a specialized unit was not mandated by state law.

B. The State Laws Contain Different Training Requirements

Texas state law requires that all law enforcement officers receive general training in the investigation and documentation of sexual assault. The Ohio Revised Code, however, requires an officer investigating a rape victim to have received special crisis intervention training.

C. Texas State Law Requires Police Officers to Request Medical Examinations for Victims of Sexual Assault

Texas state law requires law enforcement officers to request a medical examination for all victims of sexual assault who report within 96 hours of the assault, as long as the victim consents. If the victim reports within 96 hours but has made a prior false report of sexual assault and there is no other corroborative evidence relating to the allegation, then the police officer may decline to request an examination. Additionally, under state law the APD is required to pay the hospital and nurse for their medical services unless the case is not prosecutable.

II. Differences in Departmental Policies

A. The Sex Crime Units Differ in Structure and Equipment

In the CPD, sexual crimes against children and adults are investigated by the same unit, the CPD Sex Crimes and Child Abuse Unit. In Austin, the SCU specifically investigates sexual assaults on individuals 17 years of age or older. The APD Child Abuse Unit is responsible for investigating sexual assaults against minors.

The SOP specifically provides that SCU detectives may be issued pagers, cellular telephones, and vehicles. In addition the SCU has a unit email account and each detective has an individual email account. In comparison, detectives in the CPD Sex Crimes and Child Abuse Unit are not issued city cellular phones or city email accounts.

B. Differences in the Procedures for Selecting Detectives

According to the SOP, the APD selects all SCU detectives based on a variety of factors including work experience, interpersonal skills, and general reputation. Thus, the APD is not required to make any selections solely based on seniority. Conversely, the CPD is required to fill one-half of the vacancies in the Sex Crimes Unit according to seniority, and may select the other one-half without regard to seniority.

C. Differences in Investigative Procedures

The CPD GPO and the APD DOM both address procedures for collecting and preserving evidence, although there are significant differences between the two manuals. The CPD GPO is more comprehensive than the APD DOM in the following aspects:

- The GPO addresses the procedure for taking photographs
- The GPO addresses the type of evidence that may be found in an automobile, if a vehicle is the scene of the offense

The APD DOM is more comprehensive than the CPD GPO in the following aspects:

- The DOM describes the ideal location for a sexual assault examination to be performed
- The DOM addresses the procedure for a detective to order a sexual assault examination
- The DOM permits detectives to take buccal swabs and outlines the procedure for collecting the sample
- The DOM outlines the procedure for paternity testing
- The DOM provides guidelines for following up on forensic hits
- The DOM addresses the specific procedure for collecting DNA evidence from a suspect

In addition to abiding by the DOM, the APD SCU must also comply with the SAPCS Texas Evidence Collection Protocol which mandates that detectives use evidence collection kits that meet SAPCS requirements.

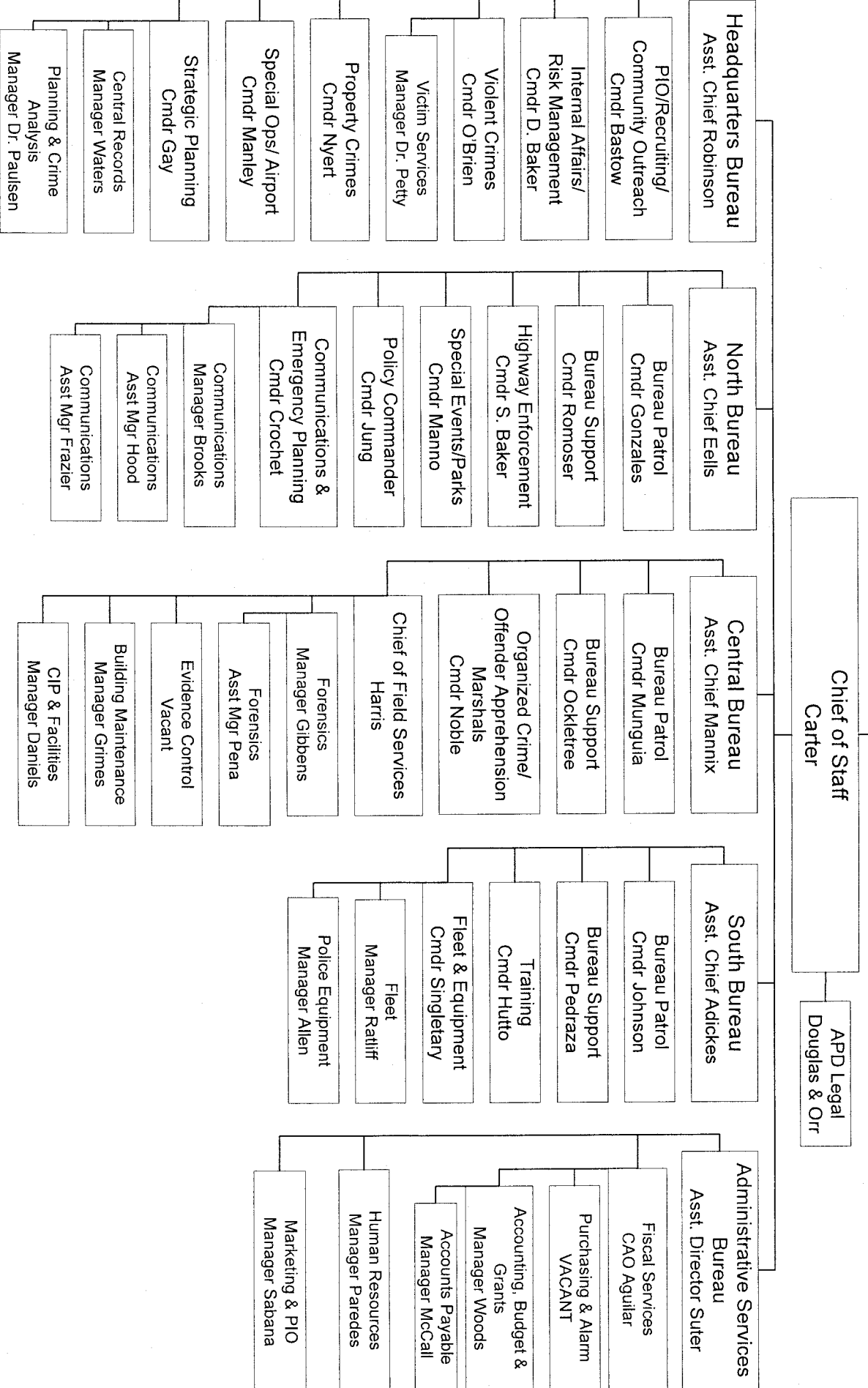
Unlike the CPD GPO, the DOM addresses specific investigative procedures. For example, the DOM requires that SCU detectives: check criminal histories; update supervisors on case statuses; audiotape statements and confessions; conduct pretext phone calls; determine the identity of unknown suspects; and prepare affidavits and search warrants. Additionally, the DOM provides procedures for releasing case information to the media and guidelines for releasing suspects when charges cannot be filed.

D. The SCU is Subject to an Annual Inspection and Record Management Procedures

The SCU is annually inspected by the Inspections Unit of the Headquarters Bureau Risk Management Division. The inspection seeks to compare the APD's formal expectations with the actual performance of the SCU. The SOP also governs the maintenance of records. The SCU must maintain active cases in secured and locked filing cabinets when the detective is out of the office. After a case is closed, the case files are stored at an off-site location.

E. The SCU has a Sex Crimes Tip Line

The SCU has a Sex Crimes Tip Line where callers can anonymously leave tips about sex crimes. SCU administrative personnel are responsible for logging all calls from the tip line.





Sex Crimes Detective

Operational Manual

2009

Table of Contents

.01	General Investigative Procedures for Sex Crimes Detectives	3
.02	Updating Title Codes in Offense Reports	5
	A. Definitions	5
.03	Collection and Preservation of DNA Evidence	7
	A. Sexual Assault Examinations	7
	B. Paternity Testing	10
	C. Forensics "Hit" or Match Follow Up	11
.04	Interrogations and Confessions	13
.05	Handling Juvenile Suspects	13
.06	Polygraphs	13
.07	Conducting Lineups	14
.08	Releasing Arrested Persons Without Filing Charges	14
.09	Arrest Warrants	15
.10	Search Warrants	15
.11	Case Management	16
.12	TCIC/NCIC Information	17
.13	Release of Information	17
.14	Criminal Investigations Involving Officers or Civilian Employees	16
.15	Interviewing Children	18

Sex Crimes Detective

Operational Manual

A Sex Crimes detective investigates sexual assaults with adult victims and misdemeanor crimes such as window peeping, indecent exposure and public lewdness.

.01 General Investigative Procedures for a Sex Crimes Detective

A detective assigned to the Sex Crimes Unit will follow the below guidelines when investigating assigned cases:

- A. Create a case jacket, if needed. Case jackets are not necessary for investigations that will only involve the offense report.
- B. Check available computer systems and other law enforcement agencies for the criminal history of persons involved in the investigation.
- C. Update the title code, location, persons and/or vehicle sections of the offense report as needed.
- D. Consult with the Sex Crimes Sergeant on controversial or complex cases and regularly update the supervisor on the status of these investigations.
- E. Discuss cases with a prosecutor on investigations that may be controversial or complex.
- F. When a prosecutor advises against prosecution, document the name of the attorney in a supplement to the report. Note: Reports cannot be cleared exceptionally – prosecution declined unless the identity of the suspect is known.
- G. If possible, at a minimum, audiotape statements and confessions from victims, witnesses and suspects. The preferred method is to video / audiotape of the persons relevant to the investigation.
- H. Examine and process crime scenes.
- I. Collect, document and submit evidence.
- J. Photograph victim injuries.
- K. Conduct a “pretext” phone call when appropriate. The “pretext” phone call evidence is admissible and has resulted in the successful prosecution of sexual offenses.

1. During a "pretext" phone call, the victim engages the suspect in a tape-recorded conversation about the sexual assault that is alleged to have transpired.
 2. It is strongly recommended that the "pre-text" phone call is done in the presence of the assigned detective in order to monitor and/or assist the victim during the recorded phone conversation.
 3. The ability of the victim must be considered when deciding whether or not to attempt a "pretext" phone call.
- L. Determine the identity of unknown suspects, which may entail photo and physical lineups; surveillance; composites; media alerts; intelligence gathering; use of the TRAK system and computer involvement research.
1. If there is any possibility the suspect may commit another sexual assault, with the approval of the Sex Crimes sergeant and the Violent Crimes III chain-of-command:
 - a. Contact the Public Information Office (PIO) and assist in the preparation of a press release;
 - b. Prepare information to be released to patrol officers working in the area of any potential future sexual assaults and/or
 - c. Prepare an alert / bolo to be sent to other law enforcement agencies. Usually an APD crime analyst will be responsible for sending this information out.
 2. A composite drawing may elicit more information from the victim and furnish the assigned detective with a likeness of the suspect. Before requesting a composite:
 - a. Exhaust other available means of identifying the suspect and
 - b. Consider whether the victim or witness is capable of giving an adequate description to render a composite.
- M. Prepare probable cause affidavits. The unit detective will seek the approval of the Sex Crimes' sergeant before presenting the affidavit to a judge.
- N. Obtain search warrants. The unit detective will seek the approval of the Sex Crimes' sergeant before presenting a search warrant to a judge.
- O. Document the progress of investigations through report supplements in a timely manner.

- P. Update the victim on the progress of the investigation.
- Q. Compile disposition sheets and case jackets to be forwarded to the District or County Attorney's Office for prosecution or clear cases in accordance with established national guidelines.
- R. Request the Evidence Room dispose of seized evidence and property when appropriate. Evidence containing biological material that may be tested for DNA will be retained in accordance with current state law and General Orders, Policies and Procedures.

.02 Updating Title Codes in Offense Reports

The detective will occasionally need to change, add or delete a title code in an offense report to reflect the appropriate crime(s) committed. This may be accomplished by submitting a memorandum via email to the Sex Crimes sergeant for approval; if approved, it will be forwarded to the Lieutenant of the Violence Crimes III who will forward it to the Commander of the Violent Crimes Division as necessary. This is only applicable when requesting a title code change from a Part I UCR crime to a Part II UCR crime. The computer reporting system has many title codes associated with sexual assaults. Accurate statistical information on reported crimes is essential to the credibility of the unit and the Department.

A. Definitions

- 1. 200 Rape – the offender penetrates the victim's vagina with his penis.
- 2. 201 Attempted Rape - the offender attempts to penetrate the victim's vagina with his penis.
- 3. 202 Aggravated Rape – the crime contains an element that makes it aggravated and the offender penetrates the victim's vagina with his penis.
- 4. 203 Attempted Aggravated Rape – the crime contains an element that makes it aggravated and the offender attempts to penetrate the victim's vagina with his penis.
- 5. 1700 Sexual Assault – the offender penetrates the victim's vagina with anything other than the penis.
- 6. 1701 Attempted Sexual Assault - the offender attempts to penetrate the victim's vagina with anything other than the penis.

7. 1702 Aggravated Sexual Assault – the crime contains an element that makes it aggravated and the offender penetrates the victim's vagina with anything other than the penis.
8. 1703 Attempted Aggravated Sexual Assault - the crime contains an element that makes it aggravated and the offender attempts to penetrate the victim's vagina with anything other than the penis.
9. 1714 Sexual Exploitation by Mental Services Provider – the offender is a mental health or health care services provider who causes a patient or former patient to submit or participate in the sexual act by exploiting the victim's emotional dependency on the offender.
10. 1716 Forced Sodomy –the suspect penetrates the victim's mouth or anus in any manner; the suspect's mouth comes into contact with the victim's genitals or anus or the victim's mouth comes into contact with the suspect's genitals or anus.
11. 1717 Attempted Forced Sodomy – the suspect attempts to penetrate of the victim's mouth or anus in any manner; the suspect attempts to come into contact with the victim's genitals or anus with his or her mouth or the suspect attempts to have the victim's mouth come into contact with the suspect's genitals or anus.
12. 1718 Aggravated Forced Sodomy – the crime contains an element that makes it aggravated and the suspect penetrates the victim's mouth or anus in any manner; the suspect's mouth comes into contact with the victim's genitals or anus or the victim's mouth comes into contact with the suspect's genitals or anus.
13. 1719 Attempted Aggravated Forced Sodomy – the crime contains an element that makes it aggravated and the suspect attempts to penetrate the victim's mouth or anus in any manner; the suspect attempts to come into contact with the victim's genitals or anus with his or her mouth or the suspect attempts to have the victim's mouth come into contact with the suspect's genitals or anus.
14. 1797 Sexual Assault (Serial) – A series of at least 3 sexual assaults, rapes or forced sodomy cases that appear to involve the same suspect(s).
15. 2609 Improper Photography or Visual Recording – photographs or by videotape or another electronic means visually records another without that person's consent and with intent to arouse or gratify the sexual desire of any person.

- B. The detective will review assigned offense reports for appropriate title codes and update these codes as needed per departmental policy.
- C. Title codes may be changed, added or deleted by the unit sergeant or a Sex Crimes detective in compliance with General Orders, Policies and Procedures B203a.

.03 Collection and Preservation of DNA Evidence

The Sex Crimes Unit will comply with General Orders, Policies and Procedures Document B208 concerning the collection and preservation of evidence. Of note, if a suspect taken into custody is wearing the same clothing he wore when the offense was committed, the clothing should be retrieved as evidence. These items of clothing may contain trace evidence that can tie the offender to the crime.

A. Sexual Assault Examinations

1. Sexual Assault Nurse Examiners (SANE) normally conduct sexual assault examinations of a victim.
2. A sexual assault examination may be performed at any equipped medical facility, however under ideal circumstances they will be conducted at St. David's Hospital.
3. An Austin Police Department employee must authorize an examination as the Department pays the hospital and the nurse for their services with the following exceptions:
 - a. Treatment for injuries;
 - b. Birth control or
 - c. Cases which are not prosecutable.
4. The detective will authorize a sexual assault examination if the assault occurred within 96 hours of the report or if there are possible injuries or other forensic evidence that may be documented through the exam.
5. The detective who authorized the sexual assault examination is responsible for retrieving the completed rape kit and any clothing or other evidence gathered at the hospital and will sign the property tag maintaining the chain of custody. The rape kit will be turned in to the Evidence Room to be placed in one of the evidence refrigerators. The medical report (normally completed by a sexual assault nurse examiner) will be turned in with a copy of the offense report to the Sex Crimes Unit.

6. Serology evidence (sexual assault examinations, clothing, etc.) submitted to the Austin Police Department's Crime Laboratory should meet the following guidelines:
 - a. Blood and semen stains have been air-dried and maintained in a cool, dry evidence storage area.
 - b. Blood samples should be taken by a medical professional in a purple top tube and refrigerated in the Evidence Room until they are analyzed.
 - c. Buccal swabs must be maintained in a freezer in the Evidence Room until they are analyzed. Buccal swabs are DNA samples taken from the inside of a victim or suspect's mouth. Buccal swabs alone can be taken by the assigned detective using two sterile cotton swabs with a slightly serrated edge designed for the collection of DNA evidence:
 - (i) The detective will wear sterile gloves to obtain the sample to protect the detective and to ensure the sample is not contaminated.
 - (ii) The victim or suspect can swab their own mouth with the buccal swab in the presence of the detective.
 - (iii) The detective will place the buccal swab cotton tip first in the sterile envelope designed for holding the swabs until analyzed. The swabs will not be air-dried prior to placing them into the envelope.
 - (iv) The victim or suspect's name and the offense report number will be written on the sterile envelope.
 - (v) The sterile envelope will be sealed with tape and the detective will initial and date the tape.
 - (vi) The sterile envelope will be placed inside another larger envelope to add another protective layer to the swabs.
 - (vii) Nothing heavy should be placed on top of the envelopes containing the buccal swabs.
 - (viii) Buccal swabs will be submitted to the Evidence Room and placed in a freezer.
7. The Austin Police Department's DNA Lab will enter DNA information into CODIS (Combined DNA Index System) to locate possible suspects or to determine when an offender is responsible for other sexual assaults.

8. The chain of custody must be maintained for sexual assault exam evidence.
 - a. If evidence is being submitted to the Department of Public Safety, a Lab Submission form will be attached to the evidence. A copy of this form will be maintained with the original case jacket.
 - b. A copy of the incident report will be attached to the DPS Lab Submission form.
 - c. A supplement will be written to the original offense report indicating the name of the lab technician who received the evidence and the date/time it was delivered.
9. When a suspect is identified in a sexual assault case, a known sample of hair, blood and saliva will be used to compare with the victim's known forensic samples and the evidence recovered during the sexual assault examination and processing of the crime scene. A buccal swab of the inside of a suspect's cheek or a blood sample in a purple top tube is needed for DNA comparison.
 - a. The forensic samples may be obtained based on a "Consent to Search" Form signed by the suspect in the presence of two civilian witnesses or upon the execution of a court ordered search warrant.
 - b. A Sexual Assault Nurse Examiner on contract with the Department will obtain the suspect's samples if anything more than a buccal swab is needed. The name of the Sexual Assault Nurse Examiner who obtained the samples will be noted in the narrative of the offense report.
 - c. The samples will be taken to the APD Crime Lab for analysis and comparison with the evidence. A Lab Submission form and copy of the incident report will accompany the suspect's samples.
 - d. A supplement will be written to the original offense report indicating name of the lab technician who received the evidence and the date/time it was delivered.
10. Sexual assault examination evidence and known suspect samples that have been analyzed by the APD Crime Lab and returned to the Evidence Room can be stored at room temperature.
11. Sexual assault examination evidence will not be destroyed unless authorized in writing by an Assistant District Attorney. By state law, the defendant must have died, completed his or her sentence or been released on parole before biological evidence can be destroyed.

12. If it is determined that the evidence is no longer required:
 - a. An attempt will be made to return property, such as clothing, to the owner/victim.
 - b. If the owner/victim cannot be located or does not want the property back, the evidence will be ordered destroyed.
 - c. A Polaroid and/or digital photograph will be taken of physical evidence, other than the rape kit, before it is destroyed or released to the owner.

B. Paternity Testing

1. Sexual assaults that involve the establishment of paternity for a child or unborn child require DNA testing if the case is likely to be prosecuted.
2. Blood samples in a purple top tube are preferred for DNA testing, however a buccal swab may be used if it is not possible to have blood drawn.
3. A special chain of custody form titled, "Test Requisition for DNA Paternity Analysis," must accompany each sample to be tested. These forms are available from the Department's DNA Lab.
4. To determine if a suspect is the father of a child who has been born, the detective will:
 - a. Have a release form signed by the parent or guardian of the child to be tested.
 - b. Have a Sexual Assault Nurse Examiner obtain DNA samples from the child, mother and alleged father or
 - c. Arrange for APD lab personnel to obtain samples from the child and mother and a Sexual Assault Nurse Examiner to obtain the alleged father's sample and
 - d. Complete one "Test Requisition for DNA Paternity Analysis" Form for each sample.
5. To determine if a suspect is the father of a child who is to be aborted, the detective will:
 - a. Report to the medical facility performing the abortion with the following:
 - (i) "Test Requisition for DNA Paternity Analysis" Form(s);

- (ii) A release form signed by the victim and victim's guardian (if applicable) authorizing the collection of the fetus;
 - (iii) A sterile plastic container, usually available from the medical facility. Sterile plastic containers are also available from the DNA Lab and
 - (iv) A small Styrofoam cooler with ice.
 - b. Advise the medical facility performing the abortion that a purple top tube of blood from the mother is needed and that the fetus will be retained as evidence;
 - c. Ask the physician to clean the fetus with sterile water to remove as much blood as possible;
 - d. Recover the fetus in the sterile plastic container;
 - e. Place the sterile plastic container on ice in the styrofoam cooler;
 - f. Deliver the evidence immediately to the DNA Lab;
 - g. Have a Sexual Assault Nurse Examiner obtain a DNA sample from the alleged father and
 - h. Complete the "Test Requisition for DNA Paternity Analysis" Form(s).
6. The Department's DNA Lab will mail (overnight delivery) the fetus or the blood sample obtained from the child, along with samples from the mother and alleged father, to a reputable forensic lab specializing in DNA paternity testing.
 7. If the father is unknown, lab personnel can freeze the fetus and retain the mother's sample until the alleged father is identified. However, it is possible to have the mother and child or fetus samples tested to determine the DNA profile of the alleged father. The DNA profile can then be entered into the Combined DNA Index System (CODIS).
 8. DNA testing is usually completed within four (4) weeks.
 9. The paternity testing lab will return two (2) copies of the final report to the DNA Lab. Lab personnel will send one copy to the investigating detective and retain the second copy for their records.

C. Forensics "Hit" or Match Follow Up

The Department has multiple forensics capabilities that can further aid a criminal investigation including, but not limited to AFIS (latent), CODIS (DNA) and NIBIN (ballistics). The following outlines such notification and documentation required of the unit's sergeant and detectives:

1. Notification

- a. The Forensics Unit will notify the detective and unit sergeant of a "hit" or match by a simultaneous email sent to the detective assigned in VERSADEx and the unit's email address.
- b. The unit sergeant will be responsible for ensuring that the unit's email address is checked on a daily basis.
- c. The unit sergeant will ensure the currently assigned detective is notified of the "hit" or match by one of the two methods:
 - (i) If the case is closed or suspended, the unit sergeant will reopen the case assigning a new follow-up with a specific completion date. Upon completion, the sergeant will ensure that the currently assigned detective has documented their follow up actions in the VERSADEx reporting system or
 - (ii) If the case is open, the unit sergeant will ensure the currently assigned detective is made aware of the "hit" or match and will approve the follow-up before the case is closed.

2. Documentation

The assigned detective will conduct a follow up on all notifications of a forensics "hit" or match with the specific actions being documented in a supplement to the offense report. Documented follow up include, but is not limited to the following:

- a. Notifying the assigned Assistant District Attorney or Assistant County Attorney of a "hit" or match in a case that has already been referred to prosecution regardless if the case has been direct filed by Uniformed Patrol or the investigative unit. The name of the person so notified will be included in the follow up supplement and the specific date the notification was made.
- b. Documented in the offense report will be information that identifies the "hit" or match belongs to the victim or some other person with legitimate access to the item or source in which the evidence was recovered.
- c. Notifying the appropriate jurisdictional entity if the "hit" or match has originated from an "Out of City" offense report.
- d. For reported property crimes in which the "hit" or match results from evidence recovered from the exterior of the location where the crime occurred, the detective will document in the offense report what steps were taken to

- link the identified “hit” or match to the scene and whether a criminal charge can be filed.
- e. Filing the appropriate charges when the new forensics information assists in the identification or linking the offender(s) to the offense under investigation.

.04 Interrogations and Confessions

The detective will comply with General Orders, Policies, and Procedures Document B203a regarding interrogations and confessions.

.05 Handling Juvenile Suspects

The detective will comply with General Orders, Policies, and Procedures Document B213 regarding juvenile suspects.

.06 Polygraphs

- A. The detective may utilize a polygraph examination as an investigative tool and will comply with General Orders, Policies, and Procedures Document B203c regarding polygraphs.
- B. The Code of Criminal Procedure prohibits peace officers from requiring a polygraph examination of a person “who charges or seeks to charge” in the commission of a complaint an offense of indecency with a child, sexual assault, aggravated sexual assault and prohibited sexual conduct (*Texas Code of Criminal Procedure Art. 15.051*).
- C. The Polygraph Examiner will be briefed by the assigned detective and provided with a copy of the incident report and any related statements. Unless exigent circumstances exist, the exam will be conducted only after the suspect has been interviewed and the case has been thoroughly investigated.
- D. A juvenile must be at least 12 years of age to submit to a polygraph. A legal guardian must sign a waiver in order for a juvenile that is not in custody to submit to a polygraph examination. If the juvenile is in custody, consent from the child’s attorney or Juvenile Court is required before the polygraph examination can be administered.
- E. If an exam is being conducted on a subject who is under arrest, the detective will have custodial responsibility before, during and after the test. This includes the removal from and return to jail or the juvenile detention center. Arrested persons will be read the statutory warning prior to the polygraph exam.

- F. The Polygraph Examiner will be contacted immediately whenever a test is cancelled.
- G. A certified Polygraph Examiner who is not an employee of the Austin Police Department may be used with the approval of the unit sergeant.

.07 Conducting Lineups

The detective will comply with General Orders, Policies, and Procedures Document B203a regarding lineups.

.08 Releasing Arrested Persons Without Filing Charges

- A. Supervisory approval is required to release a prisoner without filing charges or to charge a prisoner with a lesser offense. The name of the supervisor authorizing a change in the filing of charges will be noted in a supplement to the offense report.
- B. When authorized by a supervisor, the prisoner will be released without being charged or will be charged with a lesser offense when:
 - 1. A magistrate declines to accept the probable cause affidavit.
 - 2. An Assistant District Attorney advises prosecution will be declined.
 - 3. The complainant or victim refuses to file charges or assist with prosecution.
 - 4. The written report by the arresting officer does not include sufficient probable cause for the arrest or search or fails to establish that a crime occurred.
 - a. The assigned detective will attempt to contact the arresting officer prior to releasing the prisoner to obtain additional probable cause or information.
 - b. If the detective is unable to contact the arresting officer, the prisoner may be released pending further investigation.
 - c. An "Officer Report Correction" Form will be completed and sent to the arresting officer's immediate supervisor for follow-up.
 - 5. After investigation by the assigned detective, there is insufficient probable cause to support charging the arrested person.

6. Filing charges may jeopardize prosecution of a more serious offense.
7. The arrested person, with supervisory approval, is willing to assist the detective and can provide specific information that will solve a more serious offense or numerous equal offenses.
8. Considering all available information, the facts will not support the original offense. but do support the filing of lesser charges.

.09 Arrest Warrants

The detective will comply with General Orders, Policies, and Procedures Document B203a regarding arrest warrants.

.10 Search Warrants

- A. The detective will comply with General Orders, Policies, and Procedures Document B203b regarding search warrants.
- B. The detective can have the affidavit for the search warrant reviewed by an Assistant District Attorney for advice on the proper wording or text of the affidavit.
- C. The detective will have the affidavit for the search warrant reviewed and approved by the Sex Crimes' sergeant.
- D. If there is a possibility that a computer, computer system or other electronic storage device is within the scope of the search, the detective will consult the Forensic Computer Examining Detective on the inclusion of proper language for the search and seizure of such electronic devices prior to submitting the affidavit to the Assistant District Attorney for review.
- E. The detective who obtained the warrant will notify the unit sergeant of the time and date planned for execution of the warrant. A search warrant is valid for three days, not including the date of issuance and the date of execution.
- F. The detective who obtained the warrant will assemble necessary equipment for executing the search warrant as follows:
 1. Portable radios,
 2. Digital, 35mm and/or Polaroid camera and film,
 3. Flashlights,
 4. Surgical gloves.

5. Measuring tape,
 6. Diagramming material,
 7. Handcuffs,
 8. Evidence collection bags,
 9. Cellular phone(s),
 10. Note pad for documentation,
 11. "Consent to Search" Form(s),
 12. Statutory warning cards and/or
 13. A copy of the warrant.
- G. Plainclothes personnel participating in the execution of the warrant will wear departmentally issued body armor and raid jackets or other clothing that clearly identifies the employee as an Austin Police Officer.
- H. Plainclothes personnel participating in the execution of the warrant will advise Communications or dispatcher of their intent to serve the warrant at the location before attempting to execute it.
- I. Uniformed personnel participating in the execution of the warrant will wear departmentally issued body armor.
- J. The place to be searched will be secured and consent to search may be sought from the person in control of the location. Should consent be granted, the "Consent to Search" Form will be used for documentation.
- K. Photographs will be taken of the place to be searched and of any evidence seized. If the circumstances of the search permit, photos will be taken or a video made of the location prior to the search.
- L. A diagram will be made of the place searched.
- M. The Crime Scene Unit (CSU) may be called to assist with photographs, diagrams and evidence collection.
- N. A copy of the search warrant and inventory of all evidence seized will be left at the scene.
- O. The "Search Warrant Inventory and Return" Form will be completed and turned over to Municipal Court.
- P. Seized evidence will be tagged and turned in to the Evidence Room.

.11 Case Management

The detective will comply with General Orders, Policies, and Procedures Document B203a regarding case management.

.12 TCIC/NCIC Information

- A. TCIC/NCIC criminal history information is confidential.
- B. A log must be completed each time TCIC/NCIC is checked for criminal histories. This log is for audit purposes. The following information will be logged:
 - 1. Name of the person searched;
 - 2. Offense number this search is related to and
 - 3. Reason for the search.

.13 Release of Information

- A. The Commander of the Violent Crimes Division, the Lieutenant of the Violent Crimes III, the Sergeant of the Sex Crimes Unit, the detective assigned an investigation or personnel assigned to the Public Information Office (PIO) are the only personnel authorized to release information to the news media. Such information to the media requires the approval of the Violent Crimes III chain-of-command before its release. No information will be released that will interfere with or prevent the apprehension and prosecution of the suspect(s) during an on-going investigation.
- B. The names of suspects will not be released until charges have been filed.
- C. A photograph of a suspect charged with an offense will not be released without the approval of the unit sergeant.
- D. The identity of sexual assault victims is confidential information. Employees will not release the victim's name or any other information that could lead to the identification of the victim.
- E. No information will be released to a victim's family members that will interfere with or prevent the apprehension and prosecution of the suspect(s) during an on-going investigation.

.14 Criminal Investigations Involving Officers or Civilian Employees

The detective will immediately notify the sergeant if, during the course of a criminal investigation, it is learned that a sworn or non-sworn employee of the Austin Police Department or commissioned officer from another law enforcement agency is identified as a suspect. Investigations of this type are normally reassigned to the Special Investigations Unit.

.15 Interviewing Children

Statements from children 12 years of age or younger are video taped at the Center for Child Protection (CCP). The video room at the Center for Child Protection may also be used when exigent circumstances exist. Video taped interviews are not used in lieu of actual testimony by the victim in court.

- A. Specialized interview skills are required to ensure the admissibility of the video taped statement of a child 12 years of age or younger (*Texas Code of Criminal Procedure Art 38.071*).
- B. The person conducting the interview must be expert in the handling, treatment and investigation of child abuse cases.
- C. Statements from children may not be made in response to questioning calculated to lead the child to a particular answer.
- D. Peace officers and attorneys may not be present when the statement is made.
- E. A second video will only be performed with the approval of an Assistant District Attorney. If more than one video taped interview is conducted, each video becomes part of the case.
- F. The following guidelines apply to the interview of children during an investigation:
 - 1. Arrange for a forensic interviewer to conduct a video taped interview if the child is 12 years of age or younger:
 - a. Contact the Center for Child Protection to schedule an available date and time for the interview. The Center maintains the master log of all forensic interviews scheduled and conducted.
 - b. Confirm the appointment with the victim's parent or guardian.
 - c. Arrive at the Center for Child Protection 15 minutes before the scheduled interview for a pre-interview staffing of the case.
 - d. The interview may be observed from a room adjacent to the interview room.
 - e. In emergency situations where an immediate video interview is needed and the Center for Child Protection does not have an interview room available, the interview room at the Sex Crimes Unit can be used. The interview

will be conducted by a trained victim services counselor or an interviewer from the Children for Child Protection.

- f. The Sex Crimes Unit interview room will be used when the suspect is the only adult available to bring the victim for the interview. Suspects are not allowed at the Center for Child Protection.

- 2. Obtain a written or typed statement if the child is over 12 years of age.

- 3. School Visits

- a. Detectives will contact the School Resource Officer (SRO) at the middle or high school prior to the visit. If the SRO is unavailable, the detective will notify the school principal.
- b. On arrival, the detective will show school personnel identification verifying that he or she is an employee of the Austin Police Department.
- c. School personnel may ask the following questions before granting the detective access to the child:
 - (i) Does the interview need to be conducted at the school?
 - (ii) Can school personnel notify the parent(s) of the child?
 - (iii) Can school personnel be present during the interview?
- d. If the notification of the child's parents or the presence of school personnel in the interview would impede the detective's lawful investigation, the detective will state this fact in response to questions (b) and (c) above.
- e. The detective will notify the parent or guardian of the child interviewed at the school before the end of that school day unless notification would jeopardize the investigation of a case.

This manual was revised March 16th, 2009.

Sergeant Liz Donegan #2353

Date

Lieutenant Allen McClure #2353

Date

Commander Julie O'Brien #1755

Date



Table of Contents

.01	Statement of Purpose.....	3
.02	Organization and Staffing.....	3
.03	Utilization and Deployment.....	3
.04	Goals, Objectives, and Performance Measures.....	4
.05	Personnel Duties, Authority, and Responsibilities.....	4
	A. Confidentiality.....	4
	B. Uniforms.....	5
	C. Duties and Responsibilities.....	5
	1. Sergeant.....	5
	2. Detective.....	6
	3. Administrative.....	8
	D. "On-Call" Duty.....	9
.06	Personnel Selection Procedures.....	10
.07	Training and Development.....	10
.08	Annual Inspection.....	10
.09	Records Management and Special Reporting.....	11
	A. Maintenance of Sex Crimes Case Jackets.....	11
	B. Records Retention.....	11
.10	Collection and Preservation of Evidence.....	12
.11	Equipment/Vehicle Operation and Control.....	12

.01 Statement of Purpose

The Austin Police Department Sex Crimes Unit was created to investigate sexual assaults in Austin, Texas (sexual crimes committed against victims 17 years of age or older). The unit also investigates misdemeanor crimes such as public lewdness, indecent exposure, window peeping and improper video / photography.

All reported offenses that require investigation will be assigned to a detective who will investigate the case until all leads have been exhausted, no criminal complaint can be filed or the perpetrator of the offense is brought before the proper court. The detectives of the Sex Crimes Unit will fulfill this objective with an awareness of the sensitive nature of these offenses and the physical and emotional trauma to victims / survivors. The members of the Sex Crimes Unit will collaborate with Victim Services counselors and other members of the **Sexual Assault Response and Resource Team (SARRT)** who support and advocate for survivors of sexual offenses. The Sex Crimes Unit was incorporated into the Violent Crimes III, Violent Crimes Division in 2009.

.02 Organization and Staffing

The Department undergoes periodic evaluation to ensure it is organized in such a way that it meets the changing needs of the Austin community. This evaluation may result in changes, over time, to redistribute resources to optimally address contemporary issues and conditions.

Redistribution of personnel and resources may occur as a result of any Departmental reorganization. The Austin Police Department Human Resources Division will maintain personnel allocation information.

The Department's organizational structure is depicted on an organizational chart that is reviewed, updated and distributed as a Special Order to all personnel as needed. The organizational chart depicts the formal lines of authority and communication within the Department.

.03 Utilization and Deployment

A. Offenses by code investigated by the Sex Crimes Unit are the following

1. 0200 - Rape
2. 0201 - Attempted Rape
3. 0202 - Aggravated Rape
4. 0203 - Attempted Aggravated Rape
5. 1700 - Sexual Assault
6. 1701 - Aggravated Sexual Assault
7. 1702 - Attempted Sexual Assault
8. 1703 - Attempted Aggravated Sexual Assault
9. 1705 - Public Lewdness
10. 1706 - Indecent Exposure
11. 1714 - Sexual Exploitation by Mental Services Provider
12. 1716 - Forced Sodomy
13. 1717 - Attempted Forced Sodomy
14. 1718 - Aggravated Forced Sodomy
15. 1719 - Attempted Aggravated Forced Sodomy
16. 1797 - Sexual Assault (Serial)
17. 2407 - DOC Window Peeping/Residence
18. 2407 - DOC Window Peeping/ Public Area
19. 2411 - DOC Exposure
20. 2417 - DOC Window Peeping/Hotel
21. 2609 - Improper Photography or Visual Recording

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

22. 3901 - Out of City Sexual Assault
23. 4207 - Serial Rape
24. 8200 - Sexual Assault Information
25. 0500 - Burglary of a Residence (With Intent to Commit Sexual Assault)
26. 2800 - Kidnapping (when a sexual crime is attempted or committed in conjunction with a kidnapping or an attempted kidnapping)
- B. The Sex Crimes Unit investigates all sexual crimes involving victims 17 years of age or older.
- C. The Sex Crimes Unit investigates misdemeanor sexual crimes that include public lewdness, indecent exposure, disorderly conduct-window peeping and improper video / photography.
- D. The Sex Crimes Unit is staffed from 7A.M. to 5 P.M. Monday through Friday or as needed depending upon the needs of the Department.
- E. When a patrol officer requests advice from or the assistance of the Sex Crimes Unit after normal working hours, the Austin Police Department Communications Division or a patrol supervisor will contact the designated "on-call" detective by issued pager or at a designated telephone number. The "on-call" detective contacted will offer advice, assist with the investigation and/or respond to the scene or other location when deemed necessary to ensure a proper and thorough investigation.
- F. The computer aided dispatch system will be updated as appropriate to reflect the current "on-call" detective.
- G. Offense reports involving sex crimes may be generated by:
 1. Patrol officers responding to a call for service;
 2. Adult Protective Services written or telephone referrals;
 3. Information from social service agencies;
 4. Information from physicians or other medical professionals;
 5. Telephone or walk-in complainants or
 6. Reports from other law enforcement agencies.
- H. The sergeant or a designated detective will assign cases to unit detectives in an equitable manner. Unassigned reports will be reviewed every morning, Monday through Friday. The following will be considered when assigning cases:
 1. Detectives available and their amount of expertise;
 2. Number and type of cases assigned to each detective;
 3. Previously scheduled appointments and interviews for each detective;
 4. Amount of time since the offense occurred and
 5. Urgency of the case.
 6. Each Sex Crimes Unit detective will be assigned to a sector for the purpose of investigating the misdemeanor sexual crimes. The Sex Crimes supervisor will assign misdemeanor offenses to the detective assigned to the sector where the offense occurred.
- I. Reported offenses occurring outside of the Department's jurisdiction will be forwarded to the appropriate law enforcement agency. Upon request, the outside law enforcement agency will be furnished a copy of any reports; video taped interviews and/or written or taped statements obtained by the Sex Crimes Unit.

.04 Goals, Objectives, and Performance Measures

Department goals and performance measures are published by the City of Austin in Budget and Business Planning documents. Periodic reports indicating progress will be made to the Chief of Police, City Manager and City Council as required.

.05 Personnel Duties, Authority, and Responsibilities

- A. Confidentiality
All investigations conducted by the Sex Crimes Unit are strictly confidential in nature. No member of the unit will disclose information gained from their official

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

duties as a departmental employee to persons who have no legitimate "need to know" or involvement in the investigation of the case.

B. Uniforms

The sergeant and assigned detectives while on-duty will have a complete uniform at their assigned work station, in their vehicle or at another location that is readily available in case of an emergency such as weapons of mass destruction, civil disturbance or natural disaster call up.

C. Duties and Responsibilities

1. Sergeant

- a. Reports to the Lieutenant of the Violent Crimes III.
- b. Complies with the Department's General Orders, Policies and Procedures; the Sex Crimes Unit Standard Operating Procedures (SOPS); local ordinances and state law.
- c. Directly supervises and manages the deployment of the Sex Crimes Unit detectives and its administrative personnel.
- d. Reviews the jail roster for arrest cases each normal work day morning.
- e. Assigns cases in an equitable manner based upon unit resources available at that time.
- f. Secures offense reports as needed.
- g. Updates report locations and correct title codes as needed per departmental policies.
- h. Complies with and monitors subordinates' compliance with Department policies and procedures, local ordinances and state law.
- i. Assists employees in developing their investigative and interpersonal skills. Will address issues and sub-standard performances through the use of formal techniques that include, but are not limited to, counseling, performance evaluation, training and/or discipline.
- j. Conducts yearly employee performance evaluations, to include:
 - (i) Conducting a performance evaluation on each employee under the sergeant's command;
 - (ii) Counseling employees on their performance;
 - (iii) Providing each employee with a copy of the performance evaluation;
 - (iv) Maintaining a copy of each employee's performance evaluation.
- k. Supports patrol personnel in the documentation and investigation of sex crimes by utilizing unit resources.
- l. Approves and coordinates the execution of search and arrest warrants if such warrants are to be executed by detectives of the Sex Crimes Unit.
- m. Reviews a sample of open cases monthly for each detective assigned to the Sex Crimes Unit.
- n. Monitors the thoroughness of investigations and appropriate case closure by unit detectives by reviewing such offense reports and/or other associated documentation.
- o. Ensures a timely follow up and proper documentation by a detective as defined in the Sex Crimes Detective Operational Manual once the unit is notified by the Department's Forensics Unit of a "hit" or match.
- p. Briefs the Violent Crimes III Lieutenant on extraordinary and/or newsworthy cases.

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- q. Assists the Public Information Office with the release of information to the media with the prior approval of the Violent Crimes III chain-of-command.
 - r. Submits weekly bullets to the Lieutenant of the Violent Crimes II III reference unit activity, accomplishments, training, etc.
 - s. Submits monthly reports to the Lieutenant of the Violent Crimes II III on accomplishments and plans for the unit based on the goals of the Department.
 - t. Monitors the unit's budget in the areas of overtime, commodities and contractual and approves purchases within the Department's budget guidelines.
 - u. Reports anticipated personnel and equipment needs to the Lieutenant of the Violent Crimes III during the budget preparation process each year.
 - v. Represents the Austin Police Department and the Sex Crimes Unit at meetings with other law enforcement agencies, social service organizations, committees and the community.
 - w. Participates in or assigns unit detectives to participate in educational and public relations presentations.
 - x. Ensures that unit detectives qualify with duty weapon(s) and attend in-service training and other mandatory training assignments.
 - y. Ensures unit files are maintained according to departmental policies and applicable Texas State Library Archives Commission statutes.
 - a. Performs quarterly inspections of assigned unit employees and equipment issued to them by the Department and maintains completed inspection forms on file for review.
 - aa. Inspects semi-annually and maintains an accurate list of the unit's assigned equipment and vehicles. Inventory inspections of the assigned resources will occur and be forwarded to the Lieutenant of the Violent Crimes III in January of each calendar year.
 - bb. Accomplishes projects, tasks and duties within guidelines and timelines as established by the Lieutenant of the Violent Crimes III.
 - cc. Approves or denies leave requests and overtime based on the unit's needs.
 - dd. Maintains off-duty employment logs of assigned unit personnel per departmental policies.
 - ee. Will determine if the Sex Crime Unit will investigate any incident involving a burglary or a kidnapping where a sexual assault or an attempted sexual assault occurred.
2. Detective
- a. Reports to the Sergeant of the Sex Crimes Unit.
 - b. Complies with the Department's General Orders, Policies and Procedures; the Sex Crimes Unit Standard Operating Procedures (SOPS); local ordinances and state law.
 - c. Checks their personal queue in the Versadex reporting system and is responsible for all cases assigned in that queue.
 - d. Accomplishes projects, tasks and duties within guidelines and timelines established by the Sex Crimes Unit sergeant.
 - e. Supports and assists patrol officers and other departmental detectives with their sex crimes related investigations.
 - f. Assists patrol with their felony non-warrant arrests that occur on-duty or when the detective is "on-call" as follows:

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- (i) If the arrest occurs during the unit's normal working hours, the detective will immediately notify the unit sergeant or designee of the felony arrest so that the case can be assigned and charges filed.
 - (ii) If the arrest occurs after the unit's normal working hours, the "on-call" detective will notify the unit sergeant or designee by 8:00am the following morning so that the case can be assigned and charges filed.
 - g. Initiates offense reports from phone-in and/or walk-in complainants as assigned by the unit sergeant or designee.
 - h. Routes self-initiated offense reports to Report Review and the appropriate investigative unit's queue for cases to be assigned.
 - i. Investigates assigned cases as defined in the Sex Crimes Detective Operational Manual.
 - j. Once notified, conducts all follow ups on all notifications by the Department's Forensics Unit on "hits" or matches as defined in the Sex Crimes Detective Operational Manual.
 - k. Assists other law enforcement agencies, social service agencies and the community with issues related to sex crimes.
 - l. Appears in court prepared to testify.
 - m. Assists the Public Information Office with the release of information to the media with the prior approval of the Violent Crimes # III chain-of-command.
 - n. Performs administrative duties in the unit's administrative area (answering phones and assisting customers) as needed.
 - o. Seeks the approval of the unit sergeant prior to working overtime, compensatory or flextime.
3. Administrative Personnel
- a. Reports to the Sergeant of the Sex Crimes Unit.
 - b. Complies with the Department's General Orders, Policies and Procedures; the Sex Crimes Unit Standard Operating Procedures (SOPS), local ordinances and state law.
 - c. Accomplishes projects, tasks and duties within guidelines and timelines as established by the Sex Crimes Unit sergeant.
 - d. Answers the unit's multi-line telephone system in a timely manner on behalf of unit personnel.
 - e. Performs job-related typing or word processing tasks.
 - f. Serves as the unit's timekeeper for pay rosters and records keeper for overtime and compensatory time.
 - g. Initiates offense reports from phone-in complainants and/or walk-ins.
 - h. Provides information and assistance to internal and external customers.
 - i. Log calls from the "Sex Crimes Tip Line" and from the overnight answering machine.
 - j. Documents information from the "Sex Crimes Tip Line" and faxes composites to the public upon request with prior approval of the Violent Crimes III chain-of-command.
 - k. Routes self-initiated offense reports to APD Report Review and the appropriate investigative unit's Versadex queue.
 - l. Writes offense report supplements and/or scans disposition sheets for cases when returned from the District or County Attorney's Office.
 - m. Files offense investigation records (case jackets) in chronological order by offense number and stores them in a secured location.

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- n. Files and maintains offense investigation records (case jackets) in accordance with departmental policies and in compliance with the Texas State Library Archives Commission.
 - o. Prepares offense investigation records (case jackets) and videotapes for storage in accordance with the Texas State Library Archives Commission and in compliance with the Local Records Retention Schedule.
 - p. Responds to subpoenas and open records requests for information and evidence.

 - q. Locates offense reports on microfiche when requested by:
 - (i) Unit personnel,
 - (ii) Subpoena or
 - (iii) Open Records Request.
 - r. Researches SANE and other medical invoices for accuracy and submits them to the Department's Financial Services Division for payment.
 - s. Monitors and maintains available office supplies to meet the needs of the unit.
 - t. Reports equipment malfunctions and/or inoperability to the appropriate service representative for repair and/or service.
- D. "On-Call" Duty
- 1. The detective "on-call" is available to be called to work after leaving the job site, on a holiday or on a regular day off.
 - 2. Detectives are required to accept rotational "on-call" duty. The unit sergeant will establish a roster rotating all personnel equitably.
 - 3. A detective may, with advance supervisory approval, secure a qualified replacement for all or any part of their "on-call" assignment. The unit sergeant will notify Communications if there is a change in "on-call" personnel.
 - 4. The "on-call" detective will maintain a normal off-duty lifestyle, but will maintain a communications link with the Department and carry an issued pager or provide a telephone number where they can be reached.
 - 5. In accordance with current departmental policy regarding take home vehicles, the "on-call" detective will be provided a city vehicle in order to respond immediately to a crime scene. The "on-call" detective will only respond to a crime scene in a city vehicle assigned to the Sex Crimes Unit. The "on-call" detective will not respond to the scene in their privately owned vehicle (POV). If the "on-call" detective resides beyond the "on-call" limits as defined in departmental policy, the detective will respond to the Sex Crimes Unit or the designated city vehicle drop off location to pick up a city vehicle before responding to the call location, crime scene, etc.
 - 6. The Sex Crimes Unit "on-call" detective will be available in person or by telephone to direct the processing of the scene (per agreement with the Forensics Unit).
 - 7. In deciding whether to respond to the scene, the "on-call" detective will take into consideration the importance of proper collection of trace evidence that many sex crime cases rely on for future prosecution.
 - 8. A unit detective, during normal work hours or while "on-call," will respond to a crime scene when requested by the unit sergeant, a patrol supervisor or when the offense involves:
 - a. A home invasion,
 - b. Serious injury to the victim or suspect,
 - c. A possible serial rapist,

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- d. The arrest of the suspect for a felony charge investigated by the unit or
- e. An attempted sexual assault or rape that includes any of the listed above.
- 9. A detective may respond to the crime scene when the offense involves:
 - a. A complicated crime scene(s),
 - b. A victim who has walked-in to a hospital for a sexual assault examination,
 - c. The incident involves an unknown offender,
 - d. The incident involves an abduction,
 - e. Eye witnesses that need to be interviewed,
 - f. The incident involved the suspected use of date rape drugs, depending on the circumstances and the length of time since the crime occurred or
 - g. Evidence that may be destroyed or lost due to time sensitivity.
- 10. The unit sergeant or designated "on-call" sergeant will determine the necessity to respond or not respond to a crime scene on a case-by-case basis.
- 11. Compensation
 - a. The "on-call" detective responding to a call back to work will be paid at time and one half with a guaranteed minimum of three hours of pay and/or as defined in the Department's current Meet & Confer contract.
 - b. Time worked (OT) begins upon departure from home or the place of origin and ends after release from the call back to work.

.06 Personnel Selection Procedures

- A. The Sergeant of the Sex Crimes Unit is selected by the Lieutenant of the Violent Crimes III. The selection is based on work experience, interpersonal skills and general reputation as a supervisor.
- B. Detectives of the Sex Crimes Unit are selected by the Sergeant of the Sex Crime Unit with the prior approval of the Violent Crimes III chain-of-command. The selection is based on:
 - 1. A desire to investigate sex crime cases,
 - 2. Submission of a transfer request and associated required documentation,
 - 3. Work experience,
 - 4. Interpersonal skills and
 - 5. General reputation as a detective or, if newly promoted, general reputation as a police officer.
- C. The Sergeant of the Sex Crimes Unit selects the administrative personnel. The selection is based on:
 - 1. Attainment of a high school diploma or GED,
 - 2. Prior general clerical/secretarial experience,
 - 3. Submission of an application to the Human Resources Department and
 - 4. An oral interview that analyzes:
 - a. Situational reasoning,
 - b. Interpersonal skills,
 - c. Verbal skills,
 - d. Writing skills,
 - e. Dependability and
 - f. Initiative.

.07 Training and Development

- A. The Sergeant of the Austin Police Department Sex Crimes Unit will attend mandatory in-service training, firearms qualification and other specialized training

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- approved by the Department which may include first-line supervision or criminal investigations.
- B. The detectives of the Austin Police Department Sex Crimes Unit will attend mandatory in-service training, firearms qualification and other specialized training approved by the Department which may include interview/interrogation techniques and criminal investigations.
 - C. The detectives of the Sex Crimes Unit will participate in bi-annual training on Weapons of Mass Destruction preparedness and response.
 - D. The detectives of the Sex Crimes Unit will participate in an annual readiness drill.

 - E. Administrative personnel of the Sex Crimes Unit will attend at least sixteen (16) hours of training approved by the City of Austin and the Department which may include computer skills; budget procedures; payroll liaison; interpersonal skills and verbal or written skills.

.08 Annual Inspection

The Sex Crimes Unit will cooperate with the Inspections Unit of the Headquarters Bureau – Risk Management Division when they perform a staff inspection of the unit. The purpose of the staff inspection is to compare the Department's formal expectations with the actual performance of the unit.

.09 Records Management and Special Reporting

- A. Maintenance of Sex Crimes Unit Case Jackets
 - 1. All completed and original offense investigation records (case jackets) will be maintained in a secured file cabinet or equivalent by the unit's administrative personnel in the Sex Crimes Unit.
 - a. A copy of the case will be sent to the appropriate prosecutor if charges were filed or the case needs to be reviewed for possible filing of charges.
 - b. The original case jacket will be turned over to the unit's administrative personnel within ten (10) days of case closure.
 - c. The original case jacket will include the complete offense report and any evidence not to be retained in the Evidence Room.
 - 2. Unit detectives will maintain active cases. These case jackets will be kept out of public view and will be secured in a locked filing cabinet or equivalent when the detective is not in the office.
 - 3. Offense investigation records (case jackets) for the current calendar year and the prior two (2) years will be maintained at the Sex Crimes Unit's office. All other offense investigation records should be stored at the City's off-site storage facility.
 - 4. The "Case File Stamp" will be placed on each case jacket and will be filled out in its entirety by the assigned detective.
 - 5. Administrative personnel will prepare case jackets for long-term storage in accordance with existing rules and guidelines of the Texas State Library Archives Commission.
 - 5. Copies of any unnecessary offense investigation records to be destroyed will be shredded.
- B. Records Retention
 - 1. The Texas Government Code, Section 441.158 and the Texas State Library Archives Commission regulate the retention of records such as offense investigation records.
 - 2. The term "offense investigation record" includes:
 - a. The original incident report and any supplements,
 - b. Investigative notes,

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- c. Witness statements,
 - d. Confessions,
 - e. Latent fingerprints,
 - f. Results of chemical analysis and polygraph exams,
 - g. Crime scene photographs,
 - h. Mug shots,
 - i. Photographic lineup and any other photographs pertinent to the investigation,
 - j. Laboratory reports,
 - k. Arrest reports,
 - l. Citations,
 - m. Affidavits and arrest/search warrants and
 - n. Audio or videotapes and any record relating to a criminal investigation.
- 3. Offense investigation records that are marked for destruction will comply with the requirements set forth by the Texas Government Code and the Texas State Library Archives Commission.
 - 4. Offense reports for cases that are not cleared for destruction are to be retained for the amount of time specified by the statute of limitations for the particular offense (Texas Code of Criminal Procedure Art. 12.01-12.07). The time during which the accused is absent from the state or the time during which the indictment, information or complaint is pending is not computed in the period of limitation.

.10 Collection and Preservation of Evidence

- A. The Sex Crimes Unit will comply with General Orders, Policies, and Procedures, Document B208 and the Sex Crimes Unit Operational Manual concerning the collection and preservation of evidence.
- B. Weapons
 - 1. The unit sergeant or designee will add the title code 1508 – Firearms whenever a weapon is stolen, used in an offense or turned in to the Evidence Room related to a sex crimes investigation.
 - 2. When a weapon has been seized and the owner requests that the weapon be returned, the assigned detective will determine if the weapon is to be retained as evidence. If not retained as evidence, the detective will abide by the policies defined in the Department's General Orders, Policies and Procedures regarding the disposition of seized weapons.
- C. The Department's DNA laboratory personnel may screen physical evidence gathered at the scene of a sexual assault and/or incident investigated by the Sex Crimes Unit.

.11 Equipment/Vehicle Operation and Control

- A. The sergeant and detectives of the Sex Crimes Unit are authorized to drive unmarked vehicles.
 - 1. The vehicles are only for the use of those personnel assigned to the unit unless approved by the unit sergeant or above.
 - 2. The vehicles are not to be operated in a pursuit and their operation will be in compliance with departmental policies and procedures.
 - 3. Collisions will be reported immediately to the unit sergeant.
 - 4. The detectives assigned to the Sex Crimes Unit will collectively coordinate regular maintenance of the unit's vehicles.
 - 5. Unit personnel taking a vehicle home will comply with existing departmental policies and procedures governing their use and response.
 - 6. Unit personnel will ensure the "Take Home Vehicle" form is completed every December calendar year and/or when newly transferred to the unit.

SEX CRIMES UNIT
STANDARD OPERATING PROCEDURES

- B. The unit is authorized cellular phones. Assigned personnel will use unit phones for business calls only.
- C. The Sex Crimes Unit sergeant will be notified and departmental policies and procedures will be followed when equipment is lost, stolen or damaged.
- D. The Sex Crimes Unit sergeant will maintain a list of all equipment assigned to the Sex Crimes Unit and will inspect and inventory all equipment annually.

Approved:

Elizabeth Donegan #2353
Sergeant

Date

Allen McClure # 3252
Lieutenant

Date

Julie O'Brien #1755
Commander

Date

TEXAS EVIDENCE COLLECTION PROTOCOL

Recommendations to medical, legal, law enforcement, advocacy and forensic science professionals on the identification, collection and preservation of physical evidence and the minimization of physical and psychological trauma to the victims/survivors of sexual assault

and

Requirements of ECP kits as designated by Chapter 420, Government Code

PREFACE

Few other criminal offenses require as extensive an examination and collection of evidence as a sexual assault. And, but for an occasional assault case, no other crime collects as much evidence from a live person.

While a potentially fatal object (bullet, knife, etc.) may be removed from someone and taken to the forensic lab for analysis, that person is not required to submit to the same intrusive exam as a patient of sexual assault. So, it is not unreasonable to assume that having your person gone over with a fine tooth comb, your blood and saliva samples taken, your fingernails scraped and every orifice that has already been violated swabbed with cotton on a stick can be a devastating experience. This manual is designed to make the examination and collection of evidence from a human being as thorough, timely and humane as we have the knowledge and capacity to do.

Traditionally, the prosecution of adult and child sexual assault cases has been difficult. The patient often is the only witness to the crime. The examination, collection of physical evidence and the documentation of physical injury may be necessary either to substantiate an allegation or to help strengthen a case for court.

Evidence from the offender and the crime scene often may be found on the body and clothing of the patient. When immediate medical attention is received, the chances increase that some type of injury or physical evidence may be found. Conversely, the chances of finding injury or physical evidence decrease in direct proportion to the length of time which elapses between the assault and the examination.

The examination and collection of physical evidence in sexual assault cases has fallen to physicians and nurses in hospital emergency rooms and pediatric units. The role of medical personnel in this process often can be the key to successful prosecution and can help to promote early emotional recovery for the patient.

The primary purposes of this document are to:

- S minimize the physical and psychological trauma to the patient of a sexual assault;
- S maximize the probability, through examination, of collecting and preserving the physical evidence for potential use in the legal system; and
- S address important issues of current controversy surrounding the examination and collection of physical evidence.

This project was begun in August of 1988 in order to standardize care across the State of Texas. There was no one kit or protocol for the State's 254 counties. Some counties developed their own evidence collection protocol through a local multi-disciplinary task force, others had no protocol at all.

A statewide advisory committee was formed to bring together the medical, legal, law enforcement, advocate and forensic science communities, and committee members represent extensive experience and expertise working with adult and child sexual assault survivors. The procedures in this document are the results of their combined experience and expertise. Procedures are based upon the physical and emotional needs of the patient, reasonably balanced with the basic requirements of the legal system. This document is the third edition of the protocol.

Chapter 420, Section 420.031, Government Code was revised in 1997 to include the Evidence Collection Protocol. [EVIDENCE COLLECTION PROTOCOL: KITS]

- (a) The service shall develop and distribute to law enforcement agencies and proper medical personnel an evidence collection protocol that shall include collection procedures and a list of requirements for the contents of an evidence collection kit for use in the collection and preservation of evidence of a sexual assault or other sex offense. Medical or law enforcement personnel collecting evidence of a sexual assault or other sex offense shall use a service approved evidence collection kit and protocol.
- (b) An evidence collection kit must contain the following items:
 - (1) items to collect and preserve evidence of a sexual assault or other sex offense;
 - (2) other items recommended by the Evidence Collection Protocol Advisory Committee of the attorney general and determined necessary for the kit by the attorney general.
- (c) In developing evidence collection procedures and requirements, the service shall consult with individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses.

- (d) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense shall pay the costs of the evidence collection kit. This subsection does not require a law enforcement agency to pay any cost of treatment for injuries.
- (e) Evidence collected under this section may not be released unless the patient of the offense or a legal representative of the patient signs a written consent to release the evidence.
- (f) Failure to comply with evidence collection procedures or requirements adopted under this section does not affect the admissibility of the evidence in a trial of the offense.

Although evidence collection is the primary focus of this document, by necessity basic medical, psychological, and support issues are included as much as possible throughout the protocol.

Thanks from the committee is due to the Department of Justice, Office for Victim Assistance and the Illinois Attorney General's Office for their assistance and groundwork in other states.

For this protocol, the term 'sexual assault' will be used to refer to all sex crimes perpetrated against adults. The term 'child sexual assault or abuse' will refer to all sex crimes perpetrated against children. Both terms are defined in a broad context as follows:

Any act of sexual contact or intimacy performed upon one person by another, and without mutual consent, or with an inability of the patient to give consent due to age, mental or physical incapacity.

EXECUTIVE SUMMARY

Baltimore, Maryland – Requirements Related to Sex Crimes and Offenders

Introduction

The Baltimore Police Department (“BPD”) is subject to several requirements related to sex crimes and sex offenders which are based on both Maryland state law (the “Statutory Requirements”) and local BPD policy (the “Department Policy”). These requirements are summarized below.

State Law Requirements

Maryland Statutory Requirements create a sex offender registry to track convicted sex offenders. Individuals convicted of certain offenses are designated as sex offenders and are classified into one of four categories based on the crime committed and, in the case of a sexually violent predator, a court’s determination that there is a high risk that the offender will commit another sexually violent offense. Sex offenders in the least serious category (classified simply as “offenders”) are only required to register if ordered to do so by a court, while sex offenders in the other three categories are automatically required to register. They are then subject to registration periods of 10 years or life, unless the conviction is set aside.

Before a sex offender is released from the custody of the state, a state official will collect initial registration information from the offender. Sex offenders must then update their registration information with the local law enforcement unit if there are any changes, and they must also verify their registration information every six months (every three months for sexually violent predators). While the local law enforcement unit is generally the sheriff of the sex offender’s county of residence, it is the BPD for sex offenders residing in the City of Baltimore. The local law enforcement unit is then required to forward the registration information to the State Department of Public Safety and Correctional Services (“DPSCS”) within five business days, so that the DPSCS can update the information on its sex offender web page.¹

Maryland Statutory Requirements permit judges, prosecutors, court commissioners, and law enforcement officers, upon request, to withhold the address and telephone number of a victim, victim’s representative, or witness before trial. Maryland Statutory Requirements also permit a judge, upon request, to prohibit the release of the address and telephone number of a victim or witness during a criminal trial. Maryland courts are permitted to order a person who was charged with a crime that may have caused or resulted in exposure to HIV to give a blood sample for HIV testing, upon the victim’s request. If the person was convicted of a crime that may have caused or resulted in exposure to HIV, Maryland courts are required to order the person to give a blood sample for HIV testing upon the victim’s request.

¹ The sex offender registry can be found at: <http://www.dpscs.maryland.gov/onlineservs/socem/default.shtml>.

Local Requirements

The BPD's Department Policy defines the BPD's Criminal Investigation Bureau Sex Offense Unit (the "Sex Crimes Unit") as having primary responsibility for all rape, attempted rape, and sodomy investigations. The Department Policy directs the responding officer to first determine the nature of the offense, to immediately request a detective from the Sex Crimes Unit if it appears that a rape, attempted rape, or sodomy offense has occurred, and to complete a preliminary offense report. It directs the Sex Crimes Unit detective to debrief the primary patrol officer, to interview the victim, and to view the crime scene to determine if it is consistent with the statements.

The Department Policy also states that all victims thirteen years of age or older should be examined at the Mercy Medical Center Emergency Department, that the victim must be advised to take a change of clothing before going to the hospital, and that the victim is not permitted to drive himself or herself to the hospital. At the hospital, the Sex Crimes Unit detective is directed to interview the victim, to ensure the victim's safe return home or to a destination of the victim's choice, and to submit all recovered evidence (such as the victim's clothing, the rape kit, and any blood samples) to the BPD's Evidence Control Section.

Comparison of Requirements for Baltimore Police Department and Requirements for Cleveland Division of Police

The Maryland and Ohio sex offender registry programs are similar in many respects. Both programs require similar registration information, both have various categories of offenders, and both require periodic registration of offenders. The major difference is that the BPD is responsible for the registration of offenders within Baltimore, while the Cuyahoga County Sheriff, rather than the Cleveland Division of Police (the "CPD"), is responsible for registering offenders in Cleveland. Also, Maryland (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Maryland classifies sex offenders into one of four categories based on the crime committed and, in the case of a sexually violent predator, a court's determination that there is a high risk that the offender will commit another sexually violent offense, while Ohio classifies offenders into one of three tiers based only on the crime committed. In Maryland, sex offenders in the least serious category are only required to register if ordered by a court to do so, while sex offenders in all other categories are automatically required to register. All sex offenders in Ohio are automatically required to register. In Maryland, a state official is required to initially register a convicted sex offender before the offender is released from custody; in Ohio, the sex offender is taken to the sheriff of the county where the conviction occurred immediately after sentencing for registration.

Maryland and Ohio Statutory Requirements related to sex crimes contain both similar and different provisions. Both states have provisions related to victim privacy, but Maryland law permits a court, upon request, to suppress the address and telephone number of a victim or

witness before and during a criminal trial, while Ohio law requires a judge in a sex crime prosecution, upon request, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Upon request of a victim, Maryland law permits a court to order a person who has been charged with a sex crime to be tested for HIV, and if the person has been convicted of a sex crime, the court is required to order that person to be tested for HIV. Ohio law provides sex crime victims with free forensic medical examinations and requires that a rape victim be interviewed by an officer who has received crisis intervention training when available.

The BPD's and the CPD's Department Policies are quite different as related to sex crime investigations. The BPD's policy focuses on the entire response to a sex offense call, although not in a very detailed manner, while the CPD's Department Policy focuses mainly on evidence collection.

The BPD's Department Policy directs the officer who responds to a sex crime radio call to determine the nature of the offense and to conduct a preliminary investigation, defines the one hospital where victims should be taken for examination, requires the Sex Crimes Unit detective to determine whether the crime scene is consistent with victim and witness statements, and directs the detective to interview the victim at the hospital. The BPD's Department Policy also requires an officer or detective to ensure the victim's safe return home or to some other destination of the victim's choice after examination at the hospital.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may notify the Chief Dispatcher to page the Sex Crimes Unit member on call depending on conditions such as the brutality of the crime, the physical state of the victim, and the victim's age.

SUMMARY

Baltimore, Maryland – Requirements Related to Sex Crimes and Offenders

Baltimore has a population of 634,549, and the Baltimore Police Department (“BPD”) employs 2,998 police officers. Crime in the United States 2008. There were 146 forcible rape reports in 2007, 137 reports in 2008, and 71 reports in 2009 through June. Crime in the United States 2007; Crime in the United States 2008; Crime in the United States 2009 (preliminary). Forcible rapes, as used here, are rapes by force including any attempts or assaults to commit rape by force or threat of force.

Sources of Authority Regarding Baltimore, Maryland, Police Department Requirements Related to Sexual Crimes and Offenders

There are two levels of authority that establish the requirements that the BPD must comply with in relation to sexual crimes and offenders: (1) Maryland Criminal Procedure Code sections 11-107, 11-110, 11-112, 11-205, 11-301, 11-701, 11-703 through 11-709, 11-713, 11-717, and 11-721, and Code of Maryland Regulations § 12.06.01.07 (the “Statutory Requirements”); and (2) Baltimore Police Department General Order G-8 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

I. Sex Offender Registry

The Maryland legislature has enacted a sex offender registration program under which persons found guilty of certain sexually-related offenses are required to register with the state, enabling them to be tracked by state officials. The registration program is outlined below.

A. *Who Qualifies as a Sex Offender*

The provisions of the Maryland Sex Offender Registry apply to any person convicted of certain sexual offenses. Depending upon the crime and the age of the victim, the person will fall into one of four categories: offender, sexually violent offender, child sex offender, or sexually violent predator. (Md. Code Ann., Crim. Proc. § 11-701).

A person convicted as an “offender” is only required to register if ordered by a court to do so. A conviction for any of the following offenses will give a person the status of “offender”:

- Child Abduction (victim under 16 years old);
- Kidnapping;

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- False imprisonment (victim under 18 years old);
- Sexual offense in the fourth degree (victim under 18 years old);
- Child Pornography (victim under 18 years old);
- Distribution and Manufacturing of Child Pornography (victim under 18 years old);
- Incest (victim under 18 years old);
- Perverted sex practices (victim under 18 years old);
- Sodomy (victim under 18 years old);
- Soliciting a minor to engage in sexual conduct (victim under 18 years old);
- Other crimes that involve conduct that by its nature is a sexual offense against an individual under the age of 18; and
- All attempts at the above-listed offenses.

(Md. Code Ann., Crim. Proc. § 11-701).

A person convicted as a “sexually violent offender” is automatically required to register. A conviction for any of the following sexually violent offenses will give a person the status of “sexually violent offender”:

- Rape in the first or second degree (victim 15+ years old);
- Sexual offense in the first, second, or third degree (victim 15+ years old); and
- All attempts at the above-listed offenses.

(Md. Code Ann., Crim. Proc. § 11-701).

A person who is convicted for the offenses of a “sexually violent offender” where the victim is under 15 years old, or for sexual abuse of a minor, will be classified as a “child sexual offender,” and will be automatically required to register. (Md. Code Ann., Crim. Proc. § 11-701).

A “sexually violent predator” is a person who has been convicted of a sexually violent offense and has been determined to be at risk of committing another sexually violent offense. In making this determination, a court will consider evidence such as the presentencing investigation and the offender’s inmate record, other evidence introduced by the person convicted, and evidence presented by a victim of the offense. (Md. Code Ann., Crim. Proc. §§ 11-701, 11-703).

B. Registration

Once the provisions of the sex offender registry apply to a person, that person is subject to the registration requirements until the registration term expires, unless the conviction is set aside. Persons classified as “offenders” are subject to registration terms of ten years, while sexually violent offenders, child sexual offenders, and sexually violent predators are subject to lifetime registration terms. (Md. Code Ann., Crim. Proc. §§ 11-704, 11-707).

Every person subject to the registration requirements must register with the appropriate “supervising authority” on or before the date that the person is released, is granted probation before judgment, is granted probation after judgment, is granted a suspended sentence, or receives a sentence that does not include a term of imprisonment. Maryland law defines a “supervising authority” as either (1) the Secretary of the State Department of Public Safety and Correctional Services (“DPSCS”) if the sex offender is in the custody of a correctional facility operated by the DPSCS, (2) the administrator of a local correctional facility if the sex offender is in the custody of the local correctional facility, (3) the court that granted the probation or suspended sentence, (4) the court in which the offender was convicted if the sentence does not include a term of imprisonment, or (5) the State Director of Parole and Probation if the sex offender is under the supervision of the Division of Parole and Probation. (Md. Code Ann., Crim. Proc. §§ 11-701, 11-705).

When a person subject to the registration requirements registers, the supervising authority is required to:

- Give written notice to the sex offender of the requirements of the registration program;
- Explain the requirements of the registration program, including the duties of the sex offender if he or she changes addresses in the state;
- Obtain a statement (the “Registration Statement”) signed by the sex offender acknowledging that the supervising authority explained and gave written notice of the requirements of the registration program;
- Obtain an updated photograph and fingerprints of the sex offender to attach to the Registration Statement;
- Obtain a DNA sample and provide it to the statewide DNA database, unless a sample has previously been provided;
- Send a copy of the Registration Statement with the attached fingerprints and updated photograph of the sex offender to the local law enforcement unit in the county where the sex offender will reside or, if not a resident of the state, work or attend school within five days;
- If the sex offender is expected to enroll in or work at an institution of higher education in the state, send a copy of the Registration Statement with the attached fingerprints and updated photograph of the sex offender to the campus police agency within five days; and
- Send the Registration Statement to the DPSCS, if the supervising authority is not a unit of the DPSCS, within five days and as soon as possible.

(Md. Code Ann., Crim. Proc. § 11-708).

The Registration Statement is required to include:

- The registrant's full name, including any suffix;
- The registrant's address;
- For a registrant enrolled in, carrying on employment at, or expecting to enroll in or carry on employment at, an institution of higher learning, the name and address of the institution of higher learning;
- A description of the crime for which the registrant was convicted;
- The date that the registrant was convicted;
- The jurisdiction in which the registrant was convicted;
- A list of any aliases, former names, e-mail addresses, computer login or screen names or identities, instant-messaging identities, and electronic chat room identities that the registrant has used;
- The registrant's social security number;
- Any other name by which the registrant has been legally known;
- A copy of the registrant's valid driver's license or identification card;
- The license plate number and description of any vehicle owned or regularly operated by the registrant;
- The registrant's dated signature;
- Identifying factors, including a physical description, if the registrant is a sexually violent predator;
- Anticipated future residences, if the registrant is a sexually violent predator;
- Offense history, if the registrant is a sexually violent predator; and
- Documentation of treatment received for a mental abnormality or personality disorder, if the registrant is a sexually violent predator.

(Md. Code Ann., Crim. Proc. § 11-706).

Any person classified as an offender, child sex offender, or sexually violent offender must register in person every six months with a local law enforcement unit for the full registration term. Any person classified as a sexually violent predator must register in person every three months for the full registration term. In all cases, the registration must include a photograph that is updated every six months. Within five days of the completion of each registration, the local law enforcement unit must send notice of the registration to the DPSCS. In Maryland, each county designates the local law enforcement unit for the county. It is usually the county sheriff, but it is the Baltimore Police Department within the City of Baltimore. (Md. Code Ann., Crim. Proc. §§ 11-701, 11-707, 11-709; Md. Code Regs. 12.06.01.07).

If a person subject to registration changes his or her name or residence, that person must send written notice of the change to the DPSCS within five days after the change occurs. A person subject to registration must also send written notice to the DPSCS within five days if the person commences or terminates enrollment as a full-time or part-time student at an institution of higher education in the state or if the person commences or terminates employment at an institution of higher learning in the state. (Md. Code Ann., Crim. Proc. § 11-705).

A person subject to registration who fails to register, fails to provide required written notices, or provides false information is guilty of a misdemeanor for the first offense and a felony for subsequent offenses. (Md. Code Ann., Crim. Proc. § 11-721).

C. Dissemination

A local law enforcement unit that receives notice from a supervising authority is required to send a copy of the notice to the police department, if any, of a municipal corporation where the registrant is to reside after release or is to reside after a change of address. In the case of child sex offenders, the local law enforcement unit is also required to send a copy of the Registration Statement or notice of a change of address to the county superintendent and all non-public primary and secondary schools within one mile of where the offender is to reside, or, if not a resident of the state, work or attend school. (Md. Code Ann., Crim. Proc. § 11-709).

The DPSCS is required to:

- Transmit the data and fingerprints to the FBI, if the FBI does not have the information, within 5 days of receiving the conviction data and fingerprints of a registrant;
- Maintain a central registry of registrants;
- Reimburse local law enforcement units for the cost of processing the Registration Statements of registrants, including the cost of taking fingerprints and photographs; and
- Reimburse local law enforcement units for the reasonable costs of implementing community notification procedures.

(Md. Code Ann., Crim. Proc. § 11-713).

The DPSCS is also required to make Registration Statements and information about Registration Statements available to the public. This information must include a description of the offender's crime that is the basis for the registration, excluding details that would identify the victim. The DPSCS is permitted to post on the internet a current listing of each registrant's name, crime, and other identifying information.¹ The DPSCS, through the Internet posting of current registrants, is required to allow the public to electronically transmit information about a registrant to the DPSCS, a parole agent of a registrant, and the local law enforcement unit where a registrant resides or, if not a resident of the state, will work or attend school. The DPSCS must

¹ The sex offender registry can be found at: <http://www.dpscs.maryland.gov/onlineservs/socem/default.shtml>.

also provide, upon request, electronic mail notification of a registered offender's release from incarceration and registration information to members of the public who live in the county in which the registrant is to reside or where the registrant, if not a resident of the state, will work or attend school. (Md. Code Ann., Crim. Proc. § 11-717).

II. Other Statutory Requirements

A. *Suppression of Victim's Address and Telephone Number*

A judge, state's attorney, district court commissioner, intake officer, or law enforcement officer may withhold the address and telephone number of the victim, victim's representative, or witness before the trial at the request of the state, of a victim of a felony, of a witness to a felony, or of a victim's representative, unless a judge determines that good cause has been shown for the release of the information. (Md. Code Ann., Crim. Proc. § 11-205).

On motion of the state or on request of a victim or witness, a court may prohibit the release of the address and telephone number of the victim or witness during a criminal trial unless the court determines that good cause is shown for the release of the information. (Md. Code Ann., Crim. Proc. § 11-301).

B. *HIV Testing*

A court may order a person charged with a prohibited exposure, which is defined as a crime or delinquent act that may have caused or resulted in exposure to HIV, to give a blood sample to be tested for the presence of HIV if: (1) the person is charged with a prohibited exposure within one year after the exposure occurred, (2) the victim or victim's representative requests the testing in writing to the state's attorney in the county where the prohibited exposure occurred, and (3) the court finds probable cause to believe that a prohibited exposure occurred. (Md. Code Ann., Crim. Proc. §§ 11-107, 11-110).

A court must order the following persons to give a blood sample to be tested for the presence of HIV within ten days of a written request by a victim or victim's representative to the state's attorney in the county where a prohibited exposure occurred: (1) a person who has been convicted of a crime that includes a prohibited exposure, (2) a person who has been granted probation before judgment in a case involving a prohibited exposure, or (3) a child respondent who has been found to have committed a delinquent act that includes a prohibited exposure. (Md. Code Ann., Crim. Proc. § 11-112).

Local Requirements

The Department Policy is the BPD's written procedure for investigating all rapes and other sex crimes, and it details the general responsibilities of the department, along with procedures to follow at the hospital.

Upon receiving a report of a sex crime, an officer is required to immediately determine the nature of the offense. If the primary patrol officer determines that a rape, attempted rape, or

sodomy offense has occurred, the officer should immediately make a request for a detective from the BPD's Criminal Investigation Bureau Sex Offense Unit (the "Sex Crimes Unit") to respond to the crime scene or hospital to assume responsibility for the investigation.

If there is no medical emergency, the officer is required to remain at the crime scene with the victim until the arrival of the Sex Crimes Unit detective. While waiting for the detective to arrive, the officer should briefly interview the victim in order to gather essential information. The officer should broadcast the suspect's description and locate and protect the crime scene.

The primary patrol officer will conduct the preliminary investigation and write the offense report. The preliminary offense report must include:

- The weather conditions at the time of the offense;
- The lighting conditions at the location of the offense;
- If the victim refuses medical attention;
- If the victim chooses to see a private physician; and
- The following times:
 - The time of arrival at the victim's location;
 - The time of arrival at the crime scene (if different from the victim's location);
 - The time when the Sex Crimes Unit detective was notified and the detective's arrival time; and
 - The time of arrival at the hospital, if applicable.

The primary patrol officer will then provide a photocopy of the preliminary offense report to the Sex Crimes Unit detective and take the original back to his or her district. If an arrest is made for rape, attempted rape, or sodomy, the arresting officer is required to notify the Sex Crimes Unit.

The sergeant or officer-in-charge is responsible for ensuring that the crime scene is protected at all times, that all allegations of rape, attempted rape, and sodomy are reported to the Sex Crimes Unit regardless of case status, and that all rape and attempted rape reports are documented on an internal department crime sheet.

The responding Sex Crimes Unit detective is responsible for the integrity of all rape, attempted rape, and sodomy investigations. The detective will debrief the primary patrol officer, interview the victim, view the crime scene to determine if it is consistent with the statements, and instruct the officer protecting the crime scene about which physical evidence will be processed and recovered by the Laboratory Division's Mobile Crime Unit. The detective is permitted to relieve the primary patrol officer only after his or her assistance is no longer needed (e.g., to protect the crime scene, to locate witnesses, to find evidence, to help with transportation, etc.).

All victims thirteen years of age or older will be examined at the Mercy Medical Center Emergency Department. Before leaving for the hospital, the victim must be advised to take a change of clothing and that he or she is not permitted to drive himself or herself to the hospital. Upon arriving at the hospital, the victim should first be evaluated by the triage nurse, then registered, and then taken to the family room for an interview. If the victim has injuries such as cuts or bruises, the Crime Laboratory Division's Mobile Unit should be called to respond and photograph the injuries (except genitalia).

When the Sex Crimes Unit detective arrives at the hospital, he or she will interview the victim, while ensuring that the interview does not delay the medical examination. The victim should be interviewed in private, with as few people present as possible. The detective must explain to the victim why the medical examination is necessary and why investigative information is being requested. If the victim refuses medical attention, the officer or detective should advise the victim of consequences such as untreated exposure to a communicable disease and that delays will impede the successful prosecution of the case. If the victim chooses to see a private physician, the officer or detective should stress the importance of prompt medical treatment and advise the victim that rape kits can be easily obtained from the hospital or the Sex Crimes Unit.

After the examination, the officer or detective is required to ensure the victim's safe return home or to a destination of the victim's choice. All evidence that was recovered (such as all items of the victim's clothing, the rape kit, and blood samples) must then be submitted to the BPD's Evidence Control Section.

Comparison of Requirements for Baltimore Police Department and Requirements for Cleveland Division of Police

The Maryland and Ohio sex offender registry programs are similar in many respects, in that both programs require similar registration information, both have various categories of offenders, and both require periodic registration of offenders. The major difference is that the BPD is responsible for the registration of offenders within Baltimore, while the Cuyahoga County Sheriff, rather than the Cleveland Division of Police (the "CPD"), is responsible for registering offenders in Cleveland. Also, Maryland (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Maryland classifies sex offenders into one of four categories based on the crime committed and, in the case of a sexually violent predator, a court's determination that there is a high risk that the offender will commit another sexually violent offense, while Ohio classifies offenders into one of three tiers based only on the crime committed. In Maryland, sex offenders in the least serious category are only required to register if ordered by a court to do so, and the registration term is ten years, while sex offenders in all other categories are automatically required to register for life. All sex offenders in Ohio are automatically required to register, and the registration terms are fifteen years for Tier I offenders, twenty-five years for Tier II offenders, and life for Tier III offenders. In Maryland, either the official in charge of a

correctional facility, the court if the sentence doesn't involve a prison term, or the State Director of Parole and Probation is required to initially register a convicted sex offender before the offender is released from custody; in Ohio, the sex offender is taken to the sheriff of the county where the conviction occurred immediately after sentencing for registration.

Maryland and Ohio Statutory Requirements related to sex crimes contain both similar and different provisions. Both states have provisions related to victim privacy, but Maryland law permits a court, upon request, to suppress the address and telephone number of a victim or witness before and during a criminal trial, while Ohio law requires a judge in a sex crime prosecution, upon request, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Upon request of a victim, Maryland law permits a court to order a person who has been charged with a sex crime to be tested for HIV, and if the person has been convicted of a sex crime, the court is required to order that person to be tested for HIV. Ohio law provides sex crime victims with free forensic medical examinations and requires that a rape victim be interviewed by an officer who has received crisis intervention training when available.

The BPD's and the CPD's Department Policies are quite different as related to sex crime investigations. The BPD's policy focuses on the entire response to a sex offense call, although not in a very detailed manner, while the CPD's Department Policy focuses mainly on evidence collection.

The BPD's Department Policy directs the officer who responds to a sex crime radio call to determine the nature of the offense and to conduct a preliminary investigation, defines the one hospital where victims should be taken for examination, requires the Sex Crimes Unit detective to determine whether the crime scene is consistent with victim and witness statements, and directs the detective to interview the victim at the hospital. The BPD's Department Policy also requires an officer or detective to ensure the victim's safe return home or to some other destination of the victim's choice after examination at the hospital.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may notify the Chief Dispatcher to page the Sex Crimes Unit member on call depending on conditions such as the brutality of the crime, the physical state of the victim, and the victim's age.

Subject: Rape and Sexual Assault

Remove from manual files and destroy General Order 18-39 (G-8) "Rape and Sexual Assault" dated 25 August 1989.

Distribution: "A"

The Baltimore Police Department investigates all reported rapes and other sexual offenses. These comprehensive investigations by a sworn police officer shall display the utmost regard for the victim's physical and emotional well-being. Officers shall be trained to sensitively deal with the victim's trauma.

GENERAL RESPONSIBILITIES

Officer/Agent,

Field Operations Bureau

- ! Upon receiving a sex offense call for service, immediately determine the nature of the offense.
- ! If the victim needs *emergency* medical treatment, immediately request an ambulance.
 - " *When an ambulance is requested, the victim will be taken to the nearest hospital.*
- ! Once a rape, attempted rape, or sodomy offense has been determined by the primary patrol officer, immediately request that a Criminal Investigation Bureau (CIB) Detective respond to the crime scene/hospital to assume responsibility for the investigation.
 - " For children twelve years of age or younger, who are alleged victims of a sexual assault, regardless of custodial issues, contact the CIB Child Abuse Unit at 396-2042.
 - " In other alleged sex offense investigations involving a victim who is thirteen years of age or older, contact the CIB Sex Offense Unit at 396-2076.
- ! If there is no medical emergency, then remain at the crime scene with the victim for the arrival of the primary detective.
- ! Briefly interview the victim at the crime scene while awaiting the arrival of the Sex Offense Detective.
- ! Gather essential information, broadcast the suspect's description, locate and protect the crime scene.
- ! The primary patrol officer will conduct the *preliminary investigation* and write the offense report.
- ! Include in the preliminary offense report:
 - " Weather conditions at the time of the offense
 - " Lighting conditions at the location of the offense
 - " If the victim refuses medical attention
 - " If the victim chooses to see a private physician
 - " The following times:
 - P Arrival at victim's location
 - P Arrival at crime scene (if different from the victim's location)
 - P The time when the CIB, Sex Offense or Child Abuse Unit Detective was notified and their arrival time
 - P Arrival at hospital

- ! At all times, show the utmost regard for the victim's physical and emotional well-being.
- ! The primary patrol officer will provide a photocopy of the preliminary offense report to the investigating sex offense detective.
- ! The primary patrol officer will take the original preliminary offense report back to his/her district.
- ! If there will be a long delay in the detective's arrival at the crime scene, follow the detective's instructions relative to transporting the victim to the hospital.
- ! Before transporting an unescorted victim of the opposite sex in a departmental vehicle, the officer must inform the Communications Division's dispatcher of the location from which he/she is departing, the starting odometer mileage and the destination.
 - " When the officer arrives at his/her destination, he/she must notify the dispatcher of the ending mileage and location.
- ! If an arrest is made for rape, attempted rape, or sodomy, then the arresting officer is required to notify the Sex Offense Unit.
- ! Detectives may provide technical assistance, such as crime scene processing, medical examination procedures, interviewing of suspect/witness(es), writing of a search and seizure warrant, DNA testing, physical evidence submissions, and advice for the appropriate criminal charges.
- ! If **legal assistance** is required in any sex offense case, contact the Assistant State's Attorney, Sex Offense Unit (396-5040) weekdays, between 0830 and 1700 hours.
 - " After office hours, call the City Hall operator at 396-3100 and ask for pager # 167.
 - " Record on the report the name of the Assistant State's Attorney contacted and the date and time notified, if contact was necessary.

Sergeant/Officer-In-Charge

- ! Ensure that members comply with these procedures.
- ! Ensure the crime scene is protected at all times.
- ! Ensure that all allegations of rape, attempted rape, and sodomy are reported to the Sex Offense Unit **regardless of case status.**
- ! Ensure that all rape/attempted rape reports are documented on the crime sheet.

Detective, Criminal Investigation Bureau

- ! The responding detective is responsible for the integrity of all rape, attempted rape, or sodomy investigations, and all information relevant to the investigation shall be given to the investigating detective as soon as possible.
- ! The detective will debrief the primary patrol officer and:
 - " Interview the victim
 - " View the crime scene to determine if it is consistent with the statements
 - " Instruct the officer protecting the crime scene as to the physical evidence that will be processed and recovered by the Laboratory Division's Mobile Crime Unit.
- ! The detective will relieve the primary patrol officer only after his/her assistance is no longer needed to protect the crime scene, to locate witnesses, to find evidence, to help with transportation, etc.
- ! Notify a parent or guardian as soon as possible if the victim is a minor, seventeen years of age or younger, or has a mental disability.
- ! If the suspect is the child's parent, guardian or other household or family member, or has the care, custody, control, or responsibility for the child's supervision, promptly inform CIB's Child Abuse Unit at 396-2042 and the Department of Social Services at 410-361-2235.

NOTE: If the crime involves child abuse issues, or the rape, attempted rape, sodomy, or all other sex offenses against a child, 12 years of age or younger, then follow additional procedures in General Order L-1, Child Abuse Investigations.

Sex Offense Unit,

Criminal Investigation Bureau

- ! Investigate all rape, attempted rape, and sodomy offenses involving victims thirteen years of age or older.

- ! Provide assistance and guidance to officers in all other sexual offense cases.

Child Abuse Unit,

Criminal Investigation Bureau

- ! Investigate all child sexual abuse offenses, including rape, attempted rape, sodomy, incest of victims, who are twelve years of age or younger, in accordance with departmental procedures.

Dispatcher,

Communications Division

- ! Promptly dispatch all calls for sexual assault and provide responding units with all relevant information concerning these calls for service.
- ! When requested, notify the concerned hospital of the imminent arrival of the officer and victim.
- ! Assist the primary patrol officer in making the required notifications to the Sex Offense Unit, Mobile Crime Lab, Child Abuse Unit, etc.

Staff Review Section,

Central Records Division

- ! Upon receipt of the offense report, detach the original "Physical Examination and Collection of Evidence for Rape and Sexual Assault Form." (This form is not subject to Staff Review scrutiny.) Duplicate and distribute:
 - " One copy to the investigating officer
 - " One copy to the Sex Offense Unit for all sex offenses involving persons thirteen years of age and older
 - " One copy to the Child Abuse Unit for all child abuse and sex offenses, involving victims twelve years of age or younger
 - " Original Form is to be stored with the (hard) original of the offense report

PROCEDURES AT THE HOSPITAL

Member of the Agency

- ! All sexual assault victims will be examined at one of these medical facilities:
 - " If the victim is 12 years of age or younger:
**University of Maryland Medical Center
Pediatric Emergency Room-(Main Floor -22
South Greene Street - 410-328-6677)**
 - First, the victim is to be evaluated by the triage nurse
 - Second, register the victim
 - Third, for *privacy*, take the victim to the family room for the interview
 - " If the victim is 13 years of age or older:
**Mercy Medical Center Emergency
Department (410-332-9477) 301 Saint Paul
Place, located at the corner of Calvert and
Pleasant Streets.**

- First, the victim is to be evaluated by the triage nurse
- Second, register the victim
- Third, for *privacy*, take the victim to the family room for the interview
- " **DNA Recovery Appointment**
410-332-9499

NOTE: To preserve the dignity of the victim, officers will refer to the victim as an "assault victim."

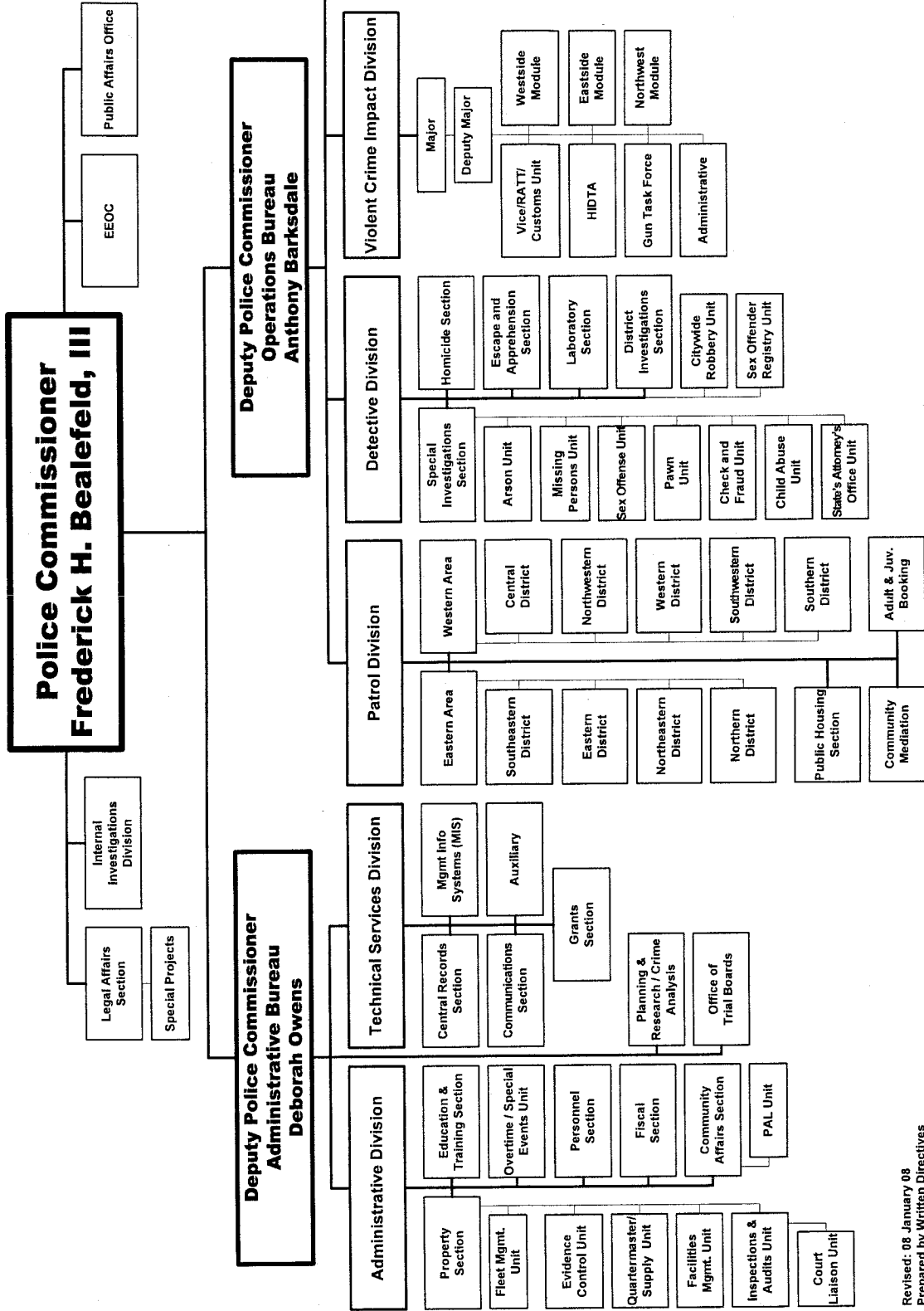
- " Advise the victim to take a change of clothing to the hospital.
- " The victim should not be permitted to drive him or herself.
- " A relative or friend may transport the victim in a private vehicle; the victim should *not* drive.

- ! Notify the dispatcher upon your arrival at the medical center and the ending odometer mileage.
- ! If the victim has injuries such as cuts or bruises, then request that the Crime Laboratory Division's Mobile Unit respond to photograph the injuries (except genitalia).
- ! At the emergency room, complete blocks 1-13 as appropriate on the "Physical Examination and Collection of Evidence for Rape and Sexual Assault" Form, and return it to the Sexual Assault Forensic Examiner (SAFE) / nurse.
- ! Inform the attending physician, if the victim for some reason, such as their safety, cannot return home after the medical examination.
- ! After the examination, ensure the victim's safe return home, or to a destination of their choice. Record this in the report or the CIB supplement.
- ! Take the original and one copy of the "Physical Examination and Collection of Evidence for Rape and Sexual Assault" Form, attach the original Physical Examination Form to the original top copy of your completed offense report and submit them by following established procedures. Place the copy of the Physical Examination Form inside the Rape Kit for the use of the Crime Laboratory Division.
- ! When the CIB detective arrives, he/she will interview the victim ensuring:
 - " That the interview will not delay the medical examination
 - " The victim is interviewed in private, with as few people present as possible.
 - " The victim is advised why the medical examination is necessary.
 - " The victim is advised of the reasons investigative information is being requested.
- ! If the victim refuses medical attention, then advise the victim of the serious consequences:
 - " Exposure to a communicable disease, if left untreated, may hurt their health/well being.

- " Timely recovery of physical evidence is necessary for prosecution. Delay will impede the successful prosecution of the case.
- ! If the victim chooses to see a private physician:
 - " Stress the importance of prompt medical treatment
 - " Although private physicians are not required to complete police department forms or reveal the results of an examination without benefit of a *Subpoena Duces Tecum*, advise the victim that Rape Kits can easily be obtained from the two hospitals, and CIB's Sex Offense Unit 396-2076 or 396-2042.
- ! Submit all **evidence** which is recovered to the Evidence Control Section (ECS), 396-2048. **Wear gloves** while handling. Such evidence is usually collected by the Sexual Assault Forensic Examiner (SAFE) nurse during the medical examination. Those items include, but are not limited to:
 - " All of the victim's clothing (which is packaged separately)
 - " The Rape Kit
 - " If blood samples are collected, they are *fragile* and are to be taken to ECS and *refrigerated promptly*.
 - " Ensure that all other evidence, whether recovered at the crime scene, from the victim, or from the suspect, is collected by the Laboratory Division's Mobile Crime Unit and promptly submitted to the Evidence Control Section.
 - " Prominently mark as "biohazard" any material evidence which may contain traces of semen, blood, vaginal fluid, saliva, or other organic derivatives and submit same for analysis by the Laboratory Division.
- ! For your safety, use Biohazard Safety Techniques and refer to General Order H-10, "*Communicable Disease, Bloodborne Pathogens and Human Bites*" and General Order G-6, "*Hazardous Material Incidents*."

**By Order of Colonel John E. Gavrilis
Acting Commissioner**

Baltimore Police Department Organizational Chart



EXECUTIVE SUMMARY

Burlington, Vermont – Requirements Related to Sex Crimes and Offenders

Introduction

There are various sources of authority that establish the requirements that the Burlington Police Department (“BPD”) must comply with in relation to sexual crime investigations. The Vermont Statutes govern the sex offender registration program, uniform crime reporting, and requirements related to victim protection (collectively the “Statutory Requirements”). The BPD has a Department Directive on Criminal Investigation (the “DDCI”). Additionally, the regional unit that is primarily responsible for sexual crime investigations, the Chittenden Unit for Special Investigations (“CUSI”) has a Mission Statement, Goals & Objectives, and Operating Protocol (the “OP”) that include requirements for the BPD.

State Law Requirements

Vermont’s sex offender registry law imposes requirements primarily on the Vermont Department of Public Safety and the Vermont Department of Corrections; it does not place substantial duties or requirements on the BPD. The sex offender registry law permits local law enforcement agencies to assist the Vermont Department of Public Safety with verifying the temporary address of a sex offender, conducting compliance checks for noncompliant high-risk offenders, and annually obtaining digital photographs of sex offenders who are subject to the electronic registry. Additionally, the sex offender registry law also allows the BPD to disclose sex offender information to requesting members of the public, and requires the BPD to verify the requestor’s identity and keep a log of all requests for registry information.

State law requires the BPD to fill out uniform offense reports of sexual offenses for purposes of entry into the state system of criminal records maintained by the Vermont Criminal Information Center. The Statutory Requirements also mandate that police officers provide victims of sex crimes with information regarding victims’ rights and information relating to the accused. Police officers are also prohibited from divulging a victim’s address if the victim is a participant in the Address Confidentiality Program. Lastly, the Statutory Requirements explicitly vest police departments with the authority to enforce protection orders against sexual assault, and obligates the police departments to inform all personnel of the existence of orders and create a system for filing the orders.

Vermont state law requires the establishment of regional special investigative units for the investigation of sex crimes. Burlington’s regional unit, CUSI, requires the BPD to forward

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

all sexual offenses to CUSI. CUSI will then decide whether to investigate by considering a number of factors, the primary factor being the severity of the offense.

Local Requirements

DDCI outlines general procedures for all criminal investigations. The procedures cover initial investigations, follow-up investigations, case management, and the execution of investigative methods including polygraph examinations and criminal background checks.

CUSI OP outlines CUSI's mission statement, goals, purposes, policies, and general operating procedures. The OP contains a description of the unit and the facility. The OP also outlines the procedures for first responders and case transfer from local law enforcement agencies to CUSI. The OP discusses victim services and CUSI's collaborative approach to providing support services, and investigating and prosecuting cases. Lastly, the OP summarizes training and community outreach efforts. CUSI's bylaws establish a Board of Directors, and outline the Board of Directors duties and responsibilities.

Comparison of Requirements for Burlington Police Department and Requirements for Cleveland Division of Police

Overall, the BPD and the Cleveland Division of Police ("CPD") are subject to drastically different requirements in relation to investigating sexual offenses.

At the state level, the Statutory Requirements are similar to Ohio law as neither impose substantial duties on the BPD and CPD, respectfully, with regard to sex offender reporting requirements. In Cleveland, sex offenders must register with and report changes to the county sheriff. In Vermont, sex offenders must register with and report changes to the Vermont Department of Public Safety.

The most notable difference is the Statutory Requirement that regional specialized investigative units be established for the investigation of sexual crimes. Ohio has no such requirement for regionalized investigative units. In Ohio, sexual crimes are investigated by the appropriate local law enforcement agencies.

At a local level, CUSI's OP differs from CPD policies and procedures in that CUSI is not required to make any personnel selections solely on the basis of seniority. CUSI is also overseen by a Board of Directors that is comprised of a broad cross-section of the local community. CUSI also takes a collaborative approach to providing victim services, and investigating and prosecuting sexual assault cases.

SUMMARY

Burlington, Vermont – Requirements Related to Sex Crimes and Offenders

Burlington is the largest city in Vermont with a population of approximately 38,897. July 1, 2008 U.S. Census Bureau estimate. Chittenden County, where Burlington sits, has a population of approximately 152,782, which is approximately one quarter of the state of Vermont's population. U.S. Census Bureau 2008 and 2009 estimates. The Burlington Police Department ("BPD") currently employs approximately 89 police officers. Crime in the United States 2008. The table below illustrates the number of forcible rapes made in recent years:

<u>Year</u>	<u>Number of Forcible Rapes</u>
2007	22
2008	19

Crime in the United States 2007; Crime in the United States 2008. The Uniform Crime Reporting Program defines forcible rape as: (1) rape by force; (2) attempt to rape; and (3) assault to rape.

Sources of Authority Regarding Burlington Police Department Requirements Related to Sexual Offenses

There are five separate sources of authority that establish the requirements that law enforcement agencies, including the BPD, must comply with in relation to sexual offenses: (1) the Vermont statutes sex offender registry requirements ("Statutory Requirements"); (2) the Vermont statutes uniform reporting requirements; (3) the Vermont statutes requirements related to victim protection; (4) the BPD Department Directive on Criminal Investigation; and (5) the Chittenden Unit for Special Investigations ("CUSI") Mission Statement, Goals & Objectives, Operating Protocol, and Bylaws. All sources referenced in this Summary are attached.

Vermont Statutes Sex Offender Registry

Vermont requires the Vermont Department of Public Safety ("VDPS") to establish and maintain a registry of sex offenders, and to electronically post information on certain sex offenders. Specifically, the Vermont Criminal Center ("VCIC"), one of the Criminal Justice Services Programs of the Department of Public Safety, is responsible for maintaining the sex offender registry. The system creates obligations on the part of the offenders, the court system, VDPS, Department of Correction ("DOC"), and local law enforcement agencies.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

I. Who Qualifies as a Sex Offender

The dictates of the registry apply to any person who is convicted in any jurisdiction of the United States of the following offenses (a “Sex Offender Offense”):

- Sexual assault (13 V.S.A. § 3252)
- Aggravated sexual assault (13 V.S.A. § 3253)
- Aggravated sexual assault of a child (13 V.S.A. § 3253a)
- Lewd and lascivious conduct (13 V.S.A. § 2601)
- Lewd and lascivious conduct with a child (13 V.S.A. § 2602)
- Sexual abuse of a vulnerable adult (13 V.S.A. § 1379)
- Second conviction of voyeurism (13 V.S.A. § 2605(b) or (c))
- Sexual exploitation of a minor (13 V.S.A. § 3258)
- Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a)
- Kidnapping with the intent to commit sexual assault (13 V.S.A. § 2405(a)(1)(D))
- A federal conviction in federal court of the following offenses:
 - Sex trafficking of children (18 U.S.C. § 1591)
 - Aggravated sexual abuse (18 U.S.C. § 2241)
 - Sexual abuse (18 U.S.C. § 2242)
 - Sexual abuse of a minor or a ward (18 U.S.C. § 2243)
 - Abusive sexual contact (18 U.S.C. § 2244)
 - Death resulting from sexual abuse, sex trafficking of children, sexual exploitation of children, selling or buying of children, production of sexually explicit depictions of a minor for import into the U.S., transportation of a minor for illegal sexual activity, coercion and enticement of a minor for illegal sexual activity, transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, engaging in illicit sexual conduct in foreign places, and transmitting information about a minor to further criminal sexual conduct (18 U.S.C. § 2245)
 - Sexual exploitation of children (18 U.S.C. § 2251)
 - Selling or buying of children (18 U.S.C. § 2251A)
 - Material involving the sexual exploitation of minors (18 U.S.C. § 2252)
 - Material containing child pornography (18 U.S.C. § 2252A)

- Production of sexually explicit depictions of a minor for import into the U.S. (18 U.S.C. § 2260)
- Transportation of a minor for illegal sexual activity (18 U.S.C. § 2421)
- Coercion and enticement of a minor for illegal sexual activity (18 U.S.C. § 2422)
- Transportation of minors for illegal sexual activity, travel with the intent to engage in illicit sexual conduct with a minor, and engaging in illicit sexual conduct in foreign places (18 U.S.C. § 2423)
- Transmitting information about a minor to further criminal sexual conduct (18 U.S.C. § 2425)
- Slave traffic, ONLY if the victim is a minor (13 V.S.A. § 2635)
- Procurement or solicitation of a person for the purpose of prostitution, lewdness, or assignation, ONLY if the victim is a minor (13 V.S.A. § 2632(a)(6))
- Attempt to commit any of the above offenses
- Any sex crime, under the laws of another jurisdiction in the U.S., the elements of which would constitute any of the above offenses if committed in Vermont

(13 V.S.A. § 5401(10)(A)-(C)).

The Statutory Requirements provide an important age-based exception for all of the above offenses, regardless of whether they were committed in Vermont or any other U.S. jurisdiction. If the offender is under the age of 18, the victim is at least 12 years old, and the conduct is criminal solely because of the age of the victim, then the offender will not be considered a sex offender subject to registry requirements. (13 V.S.A. § 5401(10)(B)).

Additionally, an adult who resides in Vermont and is currently, or was previously, required to register as a sex offender in any other jurisdiction is considered a sex offender in Vermont and subject to Vermont's registry requirements. (13 V.S.A. § 5401(10)(D)). Lastly, a nonresident sex offender who crosses into Vermont to work, carry on a vocation, or attend school is similarly subject to Vermont's registration requirements. (13 V.S.A. § 5401(10)(E)).

II. Classifications of Sex Offenders

The Statutory Requirements provide classifications for sex offenders. The purpose of the classifications is to impose stricter reporting requirements and increased levels of public access to an offender's information. Note also that Texas (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

A. Sexually Violent Predators

The Statutory Requirements allow the state's attorney to petition the convicting court to designate offenders who pose a greater risk to the public as "sexually violent predators" and subject those offenders to stricter registration and community notification procedures. (13 V.S.A. § 5405(a)). The Statutory Requirements define sexually violent predator as a sex offender who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. (13 V.S.A. § 5401(11)). To initiate the designation process, the state must file a petition for designation as a sexually violent predator within fifteen days after conviction. (13 V.S.A. § 5405(b)). The court then orders a presentence investigation which includes a psychosexual evaluation. (13 V.S.A. § 5405(d)). The court makes the final determination of whether the person is a sexually violent predator during the sentencing phase. (13 V.S.A. § 5405(c)). In making this determination the court must analyze the person's criminal history, expert testimony as to the offender's mental state, history of treatment, any mitigating evidence, and all other relevant evidence. (13 V.S.A. § 5405(e)). The court must issue a written decision to VDPS explaining the reasons for its determination. (13 V.S.A. §§ 5405(e), (h)).

B. High-Risk Offenders

The Statutory Requirements require that the DOC evaluate sex offenders to determine whether an offender poses a high degree of dangerousness to others. (13 V.S.A. § 5411b(a)). Under the statute, the DOC determines risk level in accordance with its own guidelines. (13 V.S.A. § 5411b(c)). If the DOC determines that an offender is "high-risk" then the sexual offender's information will be subject to increased public access, including Internet access. (13 V.S.A. § 5411b(a)).

C. Noncompliant High-Risk Offenders

Additionally, prior to release from confinement, the DOC must determine if the sexual offender is a noncompliant high-risk offender. (13 V.S.A. § 5411d(a)). The DOC designates a person as noncompliant if all of the following criteria are met:

- The sexual offender was incarcerated for either: 1) lewd and lascivious conduct with a child or attempt; 2) aggravated sexual assault or attempt; or 3) sexual assault or attempt;
- The sexual offender is not subject to an indeterminate life sentence; and
- The sexual offender is designated as a high-risk offender, AND the sexual offender is noncompliant with sex offender treatment

(13 V.S.A. § 5411d(a)).

If the sex offender is determined to be a noncompliant high-risk offender, then the offender is subject to stricter reporting requirements.

III. Registration

A. *Initial Registration – Conviction*

Initial registration is conducted by the court that convicted the offender and occurs after conviction and prior to sentencing. (13 V.S.A. § 5403(a)). The sex offender is required to provide the court with the following information:

- Name
- Date of birth
- Physical description
- Current address
- SSN
- Fingerprints
- Current photograph
- Current employment
- Name and address of any postsecondary educational institution, IF the sex offender is a student

The court then forwards the information to VDPS along with a copy of the offender's conviction. (13 V.S.A. § 5403(a)-(b)).

B. *Registration Duties of the DOC upon Release*

Prior to releasing a sex offender from confinement or supervision, the DOC must update the offender's registration information and forward the information to VDPS. (13 V.S.A. § 5404(a)). Specifically the DOC is required to send VDPS the following:

- Updates on all the information contained the original registration
- The offender's address upon release and whether there is a child under 18 at the residence
- Name, address, and phone number of the local DOC that will be responsible for monitoring the sex offender
- Documentation of any treatment or counseling the offender received

The DOC must also send a copy of the information to the sex offender's parole or probation officer, if applicable. (13 V.S.A. § 5404(d)). Finally, the DOC must notify the sex offender of all registration duties under state law and have the sex offender read and sign a form stating that the sex offender has been so informed. (13 V.S.A. § 5406).

C. Vermont Department of Public Safety's Duty to Forward Registration Information to Local Law Enforcement

Upon receiving: (1) a sex offender's registration material from the DOC; (2) notification that a nonresident sex offender has crossed into the state; or (3) a resident sex offender has changed addresses, employment or enrollment status within the state, VDPS must forward the following information to the local law enforcement agency:

- Sex offender's name
- General physical description
- Nature of the offense
- Sentence
- Additional information VDPS has on file, including fingerprints and a photograph
- Current employment
- The name and address of any postsecondary educational institution, if the offender is enrolled
- Whether the offender complied with the DOC's treatment

(13 V.S.A. § 5411(a)).

In addition, the Vermont Administrative Code requires VDPS to send the following information to local law enforcement agencies:

- Sex offender's aliases, date of birth, home address and town of residence
- Date of conviction
- Date of registration
- Name and telephone number of local DOC office who is supervising the registrant
- Warrant status
- Internet status
- Sexual violent predator status
- Risk designation

(Vt. Code. R. 28 050 002).

The Statutory Requirements define a “local law enforcement agency” as a municipal police department, or a statutorily established college police department. (13 V.S.A. § 5401(3)).

IV. Sex Offenders’ Registration Duties

A. Verifying Address and Registration Information

VDPS must periodically verify each sex offender’s registration information by mailing each registrant a nonforwardable Address Verification Notification to the offender’s last known address. (Vt. Code. R. 28 050 002). Sex offenders have 10 days to verify the information and return the form to VDPS. Id. The table below illustrates the frequency of a sex offender’s duty to verify registration information:¹

Sex offender	Annually, within ten days after the sex offender’s birthday (13 V.S.A. § 5407(a)(2))
Sexually violent predator	Every 90 days (13 V.S.A. § 5407(a)(2))

Sex offenders that are designated as noncompliant high-risk offenders have heightened reporting duties and must report to VDPS, in person, within fifteen days of their initial release, and every thirty days thereafter. (13 V.S.A. § 5411d(b)(1)). The Vermont Statutes allow VDPS to enter into an agreement with a local law enforcement agency to allow a noncompliant high-risk offender to check in with the local law enforcement agency, instead of VDPS. (13 V.S.A. § 5407(a)(1)).

B. Establishing Residence, Work, or Enrollment in School in Vermont

If a sex offender was convicted in another state, then the sex offender must report to VDPS within ten days of establishing residence, carrying on a vocation, or becoming a student within the state. (13 V.S.A. § 5407(a)(1)).

C. Changing Residences within Vermont

If a sex offender moves residences within Vermont, then the offender must report to VDPS as follows:

Sex Offender	Within three days (13 V.S.A. § 5407(a)(3))
High-risk sex offender	Within 36 hours (<u>Id.</u>)
Noncompliant high-risk offender	Must report prior to moving, or within one day of moving if the move was unanticipated and not previously disclosed (13 V.S.A. § 5411d(b)(2))

¹ The statute repeatedly fails to address the reporting duties for each sex offender classification, i.e., sex offender, high-risk, noncompliant high-risk, and sexual predator. A tenable statutory interpretation would be to apply the general sex offender time line to any classification that is not expressly discussed. For example, in this table, all sexual offenders, with the exception of sexual predators, must report annually.

D. Establishing Temporary Residence

If a sex offender has no permanent address, then the sex offender must report to VDPS with a temporary address and check in with VDPS on a daily basis, unless the local law enforcement agency agrees to verify the registrant's location. (13 V.S.A. § 5407(h); Vt. Code. R. 28 050 002).

E. Moving Out of the State of Vermont

If the sex offender moves out of Vermont, within three days of establishing new residence, the sex offender must notify VDPS and register with the designated law enforcement agency in the new state, if the new state has a reporting requirement. (13 V.S.A. § 5406(2)).

F. Changing Employment

If a resident sex offender changes employment, then the offender must report to VDPS as follows:

Sex offender	Within three days (13 V.S.A. § 5407(a)(4))
Noncompliant high-risk offender	Within one day (13 V.S.A. § 5411d(b)(4))

G. Changing Status as a Student

If a resident sex offender changes status as a student, then the offender must report to VDPS as follows:

Sex offender	Within three days (13 V.S.A. § 5407(a)(4))
Noncompliant high-risk offender	Must report prior to enrollment or separation (13 V.S.A. § 5411d(b)(3))

H. A Child Moving in with an Offender

If a child under the age of 18, moves in with a sex offender, then the sex offender must report to VDPS within three days. (13 V.S.A. § 5407(a)(7)).

V. Length of Duty to Register

A sex offender is required to register for a period of ten years. (13 V.S.A. § 5407(e)). The ten year period starts to run from the latter of: (1) the date the person is released from prison; or (2) the date the person is discharged from parole, supervised release, or probation. Id. Certain sex offenders are subjected to life registration, except for periods of incarceration.

The following are circumstances requiring registration for life:

- The sex offender has been designated as a sexually violent predator
- The sex offender has been designated as a noncompliant high-risk offender
- The sex offender has one prior conviction for a crime requiring reporting
 - The statute provides a single exception if: (1) the second offense is sexual assault, (2) the sexual offender is less than six years older than the victim; (3) the victim is 14 years of age or older; and (4) the basis of the conviction was the age of the victim.

(13 V.S.A. § 5407(f)(2)).

A sex offender who is subject to life registration, but has not been designated as a noncompliant high-risk offender, can petition the district court for termination of community notification, including inclusion in the internet database, after a period of ten years. (13 V.S.A. § 5411(e)). A noncompliant high-risk offender can petition the district court to be reclassified once every five years from the date of the designation. (13 V.S.A. § 5411d(f)(1)).

VI. Vermont Department of Public Safety's Duty to Maintain the Registry and Post the Registry Electronically

The Statutory Requirements mandate VDPS to maintain the sex offender registry. (13 V.S.A. § 5402). VDPS must update its internal record of the addresses of all sex offenders at least once every three months. (13 V.S.A. § 5408). If at any time VDPS is unable to verify the whereabouts of sex offender, then VDPS must immediately notify local law enforcement and the state's attorney in writing. (13 V.S.A. § 5408).

Additionally, VDPS must conduct periodic unannounced compliance checks with regard to noncompliant high-risk offenders. (13 V.S.A. §§ 5411d(e)). The Vermont Statutes allow VDPS to enter into an agreement with a local law enforcement agency to allow the local law enforcement agency to perform the compliance checks. Id.

VDPS must electronically post information on the Internet for most sex offenders, upon their release. (13 V.S.A. § 5411a). The following sex offenders are subject to the electronic registry:

- Sex offenders convicted of a Sex Offender Offense, unless the offense was: (1) lewd and lascivious conduct; (2) procurement or solicitation of a minor for the purpose of prostitution, lewdness, or assignation; or (3) attempt to commit a Sex Offender Offense; (4) a sex crime (under the laws of another jurisdiction in the U.S.) the elements of which would constitute a Sex Offender Offense if committed in Vermont; or (5) the offense was criminal only because of the age of the victim and the perpetrator is within 38 months of age of the victim
- Sex offenders who are convicted of a second Sex Offender Offense

- Sex offenders who have failed to comply with sex offender registration and have an outstanding warrant for the noncompliance
- Sex offenders who have been designated as sexual predators
- Sex offenders who have not complied with sex offender treatment
- Sex offenders who have been designated high-risk
- An adult who resides in Vermont and is currently, or was previously, required to register as a sex offender in any other jurisdiction for a felony or a misdemeanor punishable by six months or more of imprisonment
 - An exception exists if the offense is criminal only because of the age of the victim, the perpetrator is under the age of 18, and the victim is at least twelve years old. (13 V.S.A. § 5411a(a)(7)(A)).

(13 V.S.A. §§ 5411a(a), (e)).

If a sex offender is subject to electronic posting, but is under 18 years of age, the offender's information will not be posted until the offender reaches 18. (13 V.S.A. § 5411a(f)). VDPS keeps the offender's information online for the duration of the time that the sexual offender is subject to reporting requirements. (13 V.S.A. § 5411a(g)).

Currently, VDPS must electronically post the following information about each sex offender online:

- Offender's name and known aliases
- Offender's date of birth
- General physical description
- Digital photograph
- Offender's town of residence
- Date and nature of the offender's conviction
- The name and telephone number of the local DOC Office in charge of monitoring the sex offender, if the sex offender is under supervision
- Whether the offender complied with treatment
- Whether the offender has an outstanding warrant for his arrest
- The reason why the offender is subject to having information posted online
- Whether the offender has been designated high-risk
- A statement to the effect that if the offender has not been subject to a risk assessment, then the offender should be presumed to be high-risk

(13 V.S.A. § 5411a(b)).

On July 1, 2010, a new version of the law dictating what information must be posted online will take effect. Id. The upcoming changes are summarized below (Id.):

- Information regarding whether the offender has been classified as high-risk will no longer be posted
- The statement that an offender should be presumed to be high-risk if the offender has not been subject to a risk assessment will no longer be posted
- The offender's address or, if the offender doesn't have an address, information about where the offender habitually stays MAY be posted online, if any of the following apply:
 - The offender hasn't complied with treatment
 - The offender has an outstanding warrant for arrest
 - The offender is subject to the registry for a conviction of a sex offense against a child under 13 years of age
 - The offender committed an offense in another jurisdiction which required the person's address to be electronically posted in that jurisdiction

The Statutory Requirements provide that VDPS take necessary steps to obtain digital photographs annually. (13 V.S.A. § 5411a(c)). The offender must annually report to either VDPS or to a local law enforcement agency to be photographed. Id.

VII. Disclosure of Registry Information and Community Notification

The Statutory Requirements allow the public to make requests for sexual offender information to either VDPS, DOC, or local law enforcement agencies. These requests can be in person, in writing, or by telephone. (Vt. Code. R. 28 050 002).

A. Log of Requests for Registry Information

The Vermont statutes require VDPS, DOC, and any local law enforcement agency to keep a log of requests for registry information, and to verify the requestor's identity pursuant to procedures set forth by VDPS. (13 V.S.A. § 5411(d)). The log must include: (1) the requestor's name, address, and phone number; (2) the name of the person for whom the request was made; (3) the reason for the request; and (4) the date of the request. Id. In addition, VDPS procedure requires that the requestor's date of birth and driver's license number be included in the log. (Vt. Code. R. 28 050 002). Upon receiving a request, VDPS procedure requires that local law enforcement agencies do the following (Id.):

- Inform the requestor that they will be asked for identification information and that the identification information will be stored in a confidential database

- Inform the requestor that their identity will be verified by comparing the requestor's driver's license information or non-driver's identification with the Department of Motor Vehicle records
- Perform the identification verification

VDPS and local law enforcement agencies are prohibited from disclosing any information to any requestor whose identification information does not match the Department of Motor Vehicle information. Id.

B. Disclosure of Registry Information to Third Persons

Under state law, VDPS, DOC, and local law enforcement agency must disclose certain sex offender information to a requestor as long as the requestor's identity has been verified and the requestor can articulate certain reasons for the request. (13 V.S.A. § 5411(b)(1)). In order for information to be released, the requestor must be able to articulate either of the following:

- A concern about the behavior of a specific person regarding the requestor's personal safety or the safety of another, or
- A reason to believe that a specific person may be a registered sex offender and a concern regarding the requestor's personal safety or the safety of another

If the above requirement is met, then VDPS, DOC, and local law enforcement must provide the requestor with: (1) a general physical description of the offender; (2) the offender's date of birth; (3) the date and nature of the offense; (4) whether the offender complied with treatment; and (5) whether there is an outstanding warrant for the offender's arrest. (13 V.S.A. § 5411(b)(2)). The Vermont Statutes expressly prohibit disclosing the identity of the victim. (13 V.S.A. § 5411(b)(1)).

If a member of the public requests information about a specific person whose information is required to be posted on the internet, then VDPS, DOC, and local law enforcement must release registry information, regardless of whether the requestor has articulated a reason for the request. (13 V.S.A. § 5411(c)(1)). The agencies must disclose: (1) the offender's name and known aliases; (2) date of birth; (3) general physical description; (4) offender's town of residence; (5) the date and nature of the offender's conviction; (6) the name and number of the local DOC office in charge of monitoring the offender, if the offender is under supervision; (7) whether the offender complied with treatment; (8) whether there is an outstanding warrant for the offender's arrest; and (9) the reason why the offender is subject to the electronic registry. (13 V.S.A. § 5411(c)(2)). Additionally, if the member of the public can articulate a concern regarding their own safety or the safety of another, then VDPS, DOC, and any authorized law enforcement agency, at the discretion of an authorized law enforcement officer,² may release the current address of the sex offender. (13 V.S.A. § 5411(c)(3)(A)). An authorized law enforcement officer means: (1) a sheriff; (2) chief of police; (3) the commissioner of public

² The statute is unclear as to whether only the law enforcement agency is subject to the discretion of an authorized law enforcement officer, or whether VDPS, DOC, and law enforcement agencies are subject to the discretion of an unauthorized officer.

safety; (4) the state's attorney of Essex County; or (5) a certified law enforcement officer designated with authority by either the sheriff, chief of police, commissioner of public safety, or state's attorney of Essex County. (13 V.S.A. § 5411(c)(3)(B)).

C. Disclosure of Registry Information to the Victim

VDPS may notify the victim of a sex offender of the initial registration and all updates, if the disclosure is necessary to protect the victim. (13 V.S.A. § 5410).

D. Active Community Notification

Generally, the Vermont Statutes give VDPS, DOC, and any authorized local law enforcement agency wide discretion to notify members of the public about any sex offender that is subject to internet posting. (13 V.S.A. § 5411c(a)). Similarly, these agencies are authorized to disclose information about a sex offender whose information is not required to be posted online, if the agencies determine that there is a compelling risk to public safety as long as the agencies first consult with the VCIC and the DOC. (13 V.S.A. § 5411c(b)).

VIII. Participation in the National Sex Offender Registration

The Statutory Requirements state that VDPS must participate in the National Sex Offender Registration, and forward all information to the Federal Bureau of Investigation, in accordance with guidelines issued by the U.S. Attorney General. (13 V.S.A. § 5414).

Vermont Statutes
Uniform Crime Reporting

The VCIC is one of the Criminal Justice Services Programs of the Department of Public Safety and serves as the state's repository for criminal records. Vermont state law requires that the VCIC cooperate with municipal police departments to create and maintain a system of criminal records. (20 V.S.A. § 2053). State law mandates that VCIC provide all municipal police departments with uniform forms for reporting the commission of crimes, including sex crimes. (20 V.S.A. § 2054). At a minimum, an offense report must contain:

- Agency identification code
- City/town code
- Calendar year of incident
- Incident/offense report number
- Offense code
- Complainant's last name
- Date of occurrence
- Time of occurrence

- Case status
- Case origin

(Vt. Code. R. 28 050 001).

The BPD must submit the form within ten working days of the occurrence.³ Id. If a BPD officer, or any other municipal officer, fails to complete or file the uniform forms, the officer will be fined up to \$100 per violation. (20 V.S.A. § 2054).

Vermont Statutes

Statutory Requirements Related to Victim Protection

I. Notification of Victims' Rights

Vermont state law requires all law enforcement agencies to provide written information to all victims of crimes. (13 V.S.A. § 5314). The Vermont statutes define “victim” as a person who personally sustains physical, emotional, or financial injury as a result of the offense. The definition also encompasses family members of a minor, incompetent, or homicide victim. (13 V.S.A. § 5301(4)). After the initial contact between the victim and the law enforcement agency that is responsible for investigating the crime, the agency must give the victim the following (Id.):

- An explanation of the victim’s rights
- Information concerning the availability of medical, housing, counseling, and emergency assistance
- Information on the availability of compensation for victims
- The name, address, and telephone number of the Center for Crime Victims’ Services
- Information on protection court orders
- Information on how to access public records related to the case

Additional information must be disclosed to the victim if the victim suffered any of the following sexually related offenses (Id.):

- Sexual assault (13 V.S.A. § 3252)
- Aggravated sexual assault (13 V.S.A. § 3253)
- Lewd and lascivious conduct (13 V.S.A. § 2601)
- Lewd and lascivious conduct with a child (13 V.S.A. § 2602)
- Aggravated sexual assault of a child (13 V.S.A. § 3253a)

³ VCIC established an on-line incident based reporting system (VIBRS) in 1991, and since then the BPD joined the online network. Thus, it is possible that the BPD may do all of its offense reporting to VCIC electronically.

- Sexual abuse (13 V.S.A. § 1379)
- Sex trafficking of children or sex trafficking by force, fraud, or coercion (13 V.S.A. § 2635a)

If the victim suffered from one of the above offenses, then the law enforcement agency must use reasonable efforts to give the victim the following (Id.):

- Information as to the accused's identity
- Information as to whether the accused is in custody
- The file number of the case
- The name, office address, and telephone number of the law enforcement officer investigating the case
- The prosecutor's name, address, and telephone number
- An explanation that no individual has to respond to questions outside a courtroom or deposition
- If practicable, notice of the defendant's arraignment (13 V.S.A. § 5308).

II. Confidentiality of Victims' Addresses

Vermont state law attempts to protect victims of sexual assault by allowing victims to apply to the Address Confidentiality Program. (15 V.S.A. § 1150-1152). The program requires law enforcement agencies to use a substitute address: (1) in accident reports that will be filed with the Department of Motor Vehicles; and (2) when issuing a citation to appear for a misdemeanor offense. (15 V.S.A. § 1154a(a)). The Vermont Statutes also provide law enforcement agencies discretion in using a substitute address in any record that will be released. (15 V.S.A. § 1154a(c)).

III. Orders Against Sexual Assault

Vermont state law allows victims of sexual assault to seek an Order Against Sexual Assault in court. (12 V.S.A. § 5133). If a court issues an Order Against Sexual Assault, then the police departments are expressly authorized under state law to enforce the order, including making appropriate arrests. State law also requires that police departments establish procedures for filing orders and making all personnel aware of such orders. (12 V.S.A. § 5137).

Burlington Police Department Department Directive

The BPD Department Directive for Criminal Investigations, Document Number 04-DD96.32, ("DDCI") outlines general procedures for all criminal investigations.

I. Initial Investigations

According to the DDCI, uniformed patrol officers from the Uniform Services Unit, are expected to conduct thorough initial investigations and pursue the initial investigations to their logical conclusions. Only in unusually serious or complex crimes will the Chief of Police or a Bureau Deputy Chief arrange to have investigative personnel from the Detective Services Bureau (“DSB”) conduct the investigation from the beginning.

According to the DDCI, patrol units are to proceed promptly to a crime scene and the first officer to arrive at the scene is in charge of conducting the preliminary investigation, unless the officer is relieved of the duty by a supervisor. The officer must perform the following duties:

- Be alert for any signs of suspicious activity as the officer approaches
- Immediately determine the need for medical aid for any injured persons at the scene
- If a crime has been committed, seek to arrest the offender
- As soon as practical, provide dispatch with the following information:
 - The nature of the crime
 - A description of the offender and direction in which he/she fled
 - A description of the vehicle
 - Whether or not the offender may be armed
- Officer must secure the crime scene and preserve evidence
- Prepare the appropriate paperwork before the end of the officer’s shift
- The officer must attempt to locate, identify and interview all witnesses

The BPD provides a Major Crime Packet to be used for preliminary investigations for certain incidents including forcible sexual assault and attempts. The Major Crime Packet includes investigative checklists to ensure that critical areas of investigation are not overlooked.

II. Follow-up Investigations

According to the DDCI, follow-up investigations are the primary responsibility of the officer who initiated the investigation. However, a supervisor may decide that the follow-up investigation be conducted by the DSB instead. The DDCI outlines follow-up procedures that BPD officers must follow.

III. Case Management

Under the DDCI officers assigned to the patrol area in which the complaint originated will be assigned the case. Criminal investigators will be assigned cases based on their

knowledge, skills, and qualifications. Whenever a case has been assigned to a DSB detective for investigative follow-up, the assigned investigator may not suspend the case without the approval of the DSB Supervisor.

In determining whether a case should be assigned for further follow-up investigations, the DDCI requires that solvability factors be used. A solvability factor is essentially a lead or clue in the search for the perpetrator of the offense. The following questions identify solvability factors:

- Can a suspect be named?
- Could a suspect be identified by the victim/witness if seen again?
- Is the address of a suspect known?
- Was a vehicle plate number obtained by the victim/witness?
- Can the vehicle be identified by the victim/witness if seen again?
- Was any traceable property taken?
- Is there any significant physical evidence available?
- Is there a significant modus operandi present?
- Was there an extremely limited opportunity for the suspect to have committed the crime?
- Is there a reason to believe that the crime would arouse such interest that public assistance will lead to its solution?
- Is there reason to believe that further follow-up investigation will lead to the solution of the crime?

If no solvability factors are present, or the DSB Supervisor feels that the case simply does not warrant any further investigation, then the DSB Supervisor will recommend that the case be closed.

IV. Investigative Tools

The DDCI also outlines the procedure to be followed in administering polygraph examinations and conducting background investigations.

Vermont Statutes -Intermunicipal Specialized Investigative Units Chittenden Unit for Special Investigations

Vermont state law permits the formation of intermunicipal police services. (24 V.S.A. § 1938). Pursuant to this authority, in 1992 law enforcement agencies in Chittenden County joined together to form the Chittenden Unit for Special Investigations. CUSI is a multi-agency task force that conducts criminal investigations of sexual assault and child abuse. CUSI operates as a non-profit Vermont Corporation and is governed by a Board of Directors that oversees all

functions of the unit. Since the formation of CUSI, the Vermont legislature has enacted law that requires the formation of special investigative units to investigate sex crimes, child abuse, and domestic abuse in every region of Vermont. (24 V.S.A. § 1940).

Franklin County has followed suit with the formation of the Northwest Unit for Special Investigations, referred to as “NUSI.” Lamoille County has just received a \$100,000 federal grant to establish facilities, which will be called Lamoille Unit for Special Investigations or “LUSI”. Other regions have established units for special investigations, but they do not currently have their own facilities and many investigators work from the State Police barracks or out of the County Sheriff’s office.

Chittenden Unit for Special Investigations Mission Statement, Goals & Objectives, and Operating Protocol

The Chittenden Unit for Special Investigations (“CUSI”) has established a Mission Statement, Goals & Objectives, and Operating Protocol (the “OP”) that encapsulates its purpose, policies, and procedures.

I. Description & Jurisdiction

According to the OP, CUSI is a multiagency task force that functions as a county wide bureau of criminal investigation for sexual assault. CUSI is organized as a non-profit corporation who is overseen by a Board of Directors. CUSI is dedicated to providing criminal investigations in response to reports of sexual assaults and serious child abuse and fostering and promoting public outreach regarding the education and prevention of these offenses. The professionals in the unit are specifically trained to deal with the unique and sensitive nature of these offenses. The primary goal of CUSI is to protect and serve victims and to enable successful prosecutions by the office of the Chittenden County State Attorney.

CUSI is located in downtown Burlington and is connected to and works in conjunction with the Children’s Advocacy Center (“CAC”). Together the two entities provide a single secure facility that is designed to meet the needs of the both child and adult victims. There is a parking available and the costs of parking and/or transportation are covered by CAC. The facility is also accessible to persons with disabilities. The facility is equipped with private areas for case consultation, discussion, and meetings with family members. The OP even requires that materials and play items reflect the needs and cultural interests of the diverse population of children, adolescents and adults.

The jurisdiction is generally limited to reports and referrals within the borders of Chittenden County. However, at the discretion of the CUSI Director, CUSI may assist other agencies outside of Chittenden County as needed or requested.

II. Personnel

CUSI’s current personnel consists of a CUSI Director, CAC Executive Director, seven detectives, victim advocate, Deputy State’s Attorney, and an investigator from the Vermont

Department of Children and Families. The detectives' home agencies include the BPD, Colchester Police Department, South Burlington Police Department, Essex Police Department, Vermont State Police, and the University of Vermont Police Services.

III. Purpose

CUSI is designed to do the following:

- Investigate the following offenses:
 - Sexual assault (13 V.S.A. § 3252)
 - Aggravated sexual assault (13 V.S.A. § 3253)
 - Lewd and lascivious conduct (13 V.S.A. § 2601)
 - Lewd and lascivious conduct with a child (13 V.S.A. § 2602)
 - Voyeurism (13 V.S.A. § 2605)
 - Domestic assault (13 V.S.A. § 1042)
 - Aggravated domestic assault (13 V.S.A. §§ 1043, 1044)
 - Homicide (13 V.S.A. § 2301)
 - Failure to report child abuse and neglect (33 V.S.A. § 4913)
 - Kidnapping (13 V.S.A. § 2405)
 - Unlawful restraint (13 V.S.A. §§ 2406, 2407)
 - Stalking (13 V.S.A. § 1062)
 - Aggravated stalking (13 V.S.A. § 1063)
 - Use of child in sexual performance (13 V.S.A. § 2822)
 - Possession of child pornography (13 V.S.A. § 2827)
 - Luring a child (13 V.S.A. § 2828)
 - Dissemination of indecent material to a minor (13 V.S.A. § 2802)
- Act as a consultant/resource for other incidents where the local department retains authority of the investigation
- Provide training and additional resources to area departments
- Provide local and statewide education and outreach sources
- Coordinate efforts with area agencies involved in child protection and victim advocacy

CUSI's OP outlines the following goals that CUSI should try and achieve:

- Operate in tandem with the Chittenden Children's Advocacy Center

- Maintain a specialized unit of police investigators
- Facilitate and provide expert multi-disciplinary training to CUSI personnel
 - The training consists of: child sexual exploitation, forensic interviewing of children, interview and interrogation, sexual assault investigations, child abuse and fatality investigations, protecting children online, and crime scene processing
- To train uniformed officers from each county department as first responders to incidents including strategies and tactics involved in first response investigation, collection and preservation of evidence, and issues relating to victims needs and support.
- To provide all victims with access to advocacy services
- To coordinate with other service agencies including the Department for Children and Families, the Vermont Internet Crimes Against Children Task Force, the Women's Rape Crisis Center, the Sexual Assault Nurse Examiner program, local schools, medical facilities, and other local sexual abuse prevention and response groups
- To create public education and outreach presentations and material to focus on the identification, reporting, and prevention of sexual abuse and assault.

IV. Case Origination

A. *First Responder Procedures*

The OP acknowledges that many complaints regarding sexual assault originate at area hospitals, educational facilities, advocacy services, and police departments. The OP realizes that these complaints require the response of uniformed officers to ensure victim safety, preservation of the crime scene, collection of initial evidence, and coordination with victim services. Under the OP, officers from local departments are supposed to address these issues before any CUSI detective is assigned to the case. The OP suggests that since law enforcement officers from the other departments are involved in these critical first steps, the officers should be trained by CUSI members in the area of first response and become certified First Responders.

Once a local police dispatcher receives a complaint of sexual assault, a certified First Responder will be dispatched to the complaint. If a First Responder is not available, then another officer will respond to the call. The First Responder or officer will then determine the nature of the complaint and the relevant information, including:

- Safety of the victim
- Identity of the perpetrator if known
- The date, time, and location of the offense
- Security of the crime scene if necessary

- Preservation and collection of evidence

B. Contacting CUSI

After the initial steps have been taken, the First Responder or officer will then contact CUSI, or the BPD dispatch if it is after hours. The BPD dispatch maintains an on-call list for emergency notification of CUSI members, and will contact a CUSI on-call detective. There is one CUSI detective on-call at all times. All CUSI detectives are required to be on-call five times per month. Once a First Responder or officer contacts CUSI, a joint decision will be made by the CUSI detective, the local police department's shift supervisor, and the First Responder or Officer as to the investigative steps that need to be taken and the need for an immediate response by CUSI. According to the OP, in deciding whether the CUSI detective should immediately respond, the following factors should be considered:

- Safety of the victim
- Safety of the community
- Nature and severity of the offense
- Date of the offense
- Need for an immediate interview
- Identity and location of the suspect
- The need for immediate warrants
- The need for advanced evidence collection techniques
- Specific requests by the law enforcement agency or officer based on extenuating circumstances

If an immediate response is not warranted, then the officer must forward the report, along with a CUSI intake form, to CUSI within 24 hours, or by the next business day. The reports can be forwarded via facsimile or via email to the CUSI Director. All original case materials will be forwarded either by interoffice mail, hand delivery, or U.S. mail. Whatever the method, it is the responsibility of the law enforcement agency to make sure that the case materials get to CUSI.

C. Transferring the Case to CUSI

When a law enforcement agency sends a case to CUSI for review, the CUSI Director reviews the case file (intake sheets, officer reports, and supplemental information) and then

will decide whether to accept or decline the case. This decision process is done on a case-by-case basis. Factors that must be considered in accepting or declining a case include:

- Nature and severity of the offense
- Personnel requirements or limitations
- Personnel conflicts
- Jurisdictional issues

If a case is not accepted than jurisdiction for the case remains with the local department, and CUSI shall assume the role of advisor/consultant. Under the OP, when a case has been accepted by the CUSI Director, the CUSI Director will assign the case to a CUSI detective as the lead investigator on the case. The CUSI Director will assign cases on a variety of factors including:

- Victim's safety
- Community safety
- Severity of the offense
- Dissipation of evidence

Once the case has been assigned, the CUSI detective is required to commence an investigation as soon as practicable and within a reasonable amount of time. Once CUSI accepts a case, CUSI is responsible for conducting a thorough case that may include conducting follow up interviews and executing warrants.

D. Case Tracking

CUSI maintains an independent database system that includes the nature of the offenses and information on victims, suspects, and circumstances surrounding the incident. The database system is used to track cases, generate statistics, and outcomes. The database system is housed electronically on internal networks at the CUSI office location. CUSI will also keep hard copies of all files.

E. Case Load

The following chart indicates the number of cases CUSI handled from 2006 through 2008.

<u>Year</u>	<u>Total Cases</u>
2006	326
2007	434
2008	448

V. Victim Services

A. *Victim's Advocate*

In every investigation in which a victim has been identified, the victim must be referred to the CUSI victim's advocate. This referral is required to be made at the earliest possible time. The victim's advocate is responsible for: guiding victims through the investigative and court processes; acting as a liaison between the CUSI and the State's Attorney's Office; arranging for victim's compensation; and making referrals to therapy resources and other advocacy services.

B. *Medical Examinations*

According to the OP, either the first responder or the CUSI detective may make a medical examination referral to the Fletcher Allen Health Center that has a Sexual Assault Nurse Examiner ("SANE") program. If a rape victim comes into CUSI, CUSI personnel will transport her to the Fletcher Allen Health Center, less than two miles away. The OP also states that there will be no cost to the victim for the SANE examination.

C. *Victim Sensitivity*

CUSI is sensitive to the victim's emotional state and has decorated CUSI to be a warm and inviting environment. The statement rooms are furnished as living rooms. CUSI has also formed a picture book that is kept in the foyer. The picture book essentially catalogues every step of the investigative process and prosecutorial process through pictures. It has pictures of the CUSI facility and all personnel that a victim will see at the facility. The book also contains pictures of the prosecutor, judges, and the courtrooms. CUSI can take the picture book to a victim, at a hospital for example, who is reluctant to come to the facility.

VI. Sexual Assault Response Team

A. *Sexual Assault Response Team*

CUSI has a Sexual Assault Response Team ("SART"). SART is a cooperative effort between CUSI personnel and their respective agencies, and other agencies including:

- Chittenden County State's Attorney's Office
- SANE
- Mental Health Providers
- Representative from the Office of Attorney General
- Department of Corrections

B. Bi-Weekly Meetings

SART meets twice a month in order to provide a forum for team members to present and highlight concerns of cases currently being investigated or prosecuted. The meetings are coordinated by the Children's Advocacy Center Executive Director. Each member of the team has the opportunity to discuss and monitor issues relevant to the case, including: investigation, prosecution, victim services, SANE examinations, etc.

VII. Investigative Procedures

A. Interviewing Adults

According to the OP, interviews of the adult victims and witnesses must be recorded via digital audio whenever possible. If the interviewing party refuses to be recorded or there is a technical failure with the equipment, the reasons for not recording the interview must be documented in the investigative report. Digital video recording (DVDs) of adults should also be made if possible. Under the OP, suspects are not interviewed at the CUSI office in order to create a safe environment for victims and their families. Instead the suspects are interviewed at the local police departments.

B. Physical Evidence Storage

The OP contains collection and preservation procedures for evidence. CUSI contains temporary evidence holding facilities. CUSI has one evidence custodian, who is a CUSI detective. The custodian maintains evidence storage keys and combinations to the evidence storage facilities, along with the CUSI Director. Those two individuals are the only individuals that have access to the secured evidence storage closet located in the CUSI facility. There is also a temporary evidence storage locker which is in an area that all detectives can access. Each locker has duplicative keys that are given to each detective. Lastly, there is a temporary evidence refrigerator that is accessible to detectives and the CUSI Director only. No other CUSI personnel are given access to the evidence refrigerator.

C. SANE Examination Kits

SANE collection kits are stored at the Fletcher Allen Health Center in secure refrigerators that only SANE nurses and CUSI detectives can access. Once a SANE examination has been completed, CUSI will be notified to pick up the kit and will then transport the kit to the Vermont State Forensic Laboratory. If transportation is not immediately practicable, then the evidence will be temporarily stored at CUSI for a period of up to seven days.

D. Other Evidence Collection

If other evidence is collected by the SANE nurse, like a hat or some other personal item that does not require forensic testing, CUSI detectives will transport the evidence to the local police agency that has jurisdiction over the location where the incident occurred. If transportation

is not immediately practicable, then the evidence will be temporarily stored at CUSI for a period of up to seven days.

E. Arrests

Arrests must be made in accordance with the arresting officer's police department's policies and procedures. For example, if the arresting officer's home agency is the BPD, then the officer must make the arrest in accordance with BPD's policies and procedures. CUSI detectives are required to notify the victim when an arrest is made. The detective or the victim's advocate will make the notification. CUSI detectives must also complete a "Request for Notification for Victims and Affected Persons" form ensuring that victims will be notified upon the release of any offender from the Department of Corrections.

F. Procedure if an Alleged Offender Enters the Building

CUSI has a designated plan of separation between victims and an alleged offender if an alleged offender inadvertently enters the building. The plan requires the following actions:

- Any employee must immediately contact law enforcement
- Law enforcement must swiftly remove the alleged offender from the facility
- If children are present when the alleged offender enters the facility, staff must remove the children to a secure waiting room and wait with the children until the offender is removed
- All staff may communicate via land phone, cellular phones, or radio until the situation is resolved

VIII. Training

Each Chittenden County Police Department is requested to designate a certain number of uniformed officers to become First Responders. CUSI personnel provides a multi-hour block of instruction to officers that covers the following topics:

- CUSI's role and responsibilities
- Vermont Department of Children and Families and mandatory reporting
- "First Response" to sexual assault and serious child abuse
- Issues connected to victimization
- Collection and preservation of evidence
- SANE Program
- Vermont Sex Offender Registry

The training sessions are offered on an ongoing basis as the need for the training arises. For example, this April CUSI will be hosting First Responder training at the BPD for all police officers in the county. Also, mandatory training at the Police Academy includes sexual assault training.

IX. Community Outreach

A. *Cultural Competency*

The OP contains a strong non-discriminatory policy. Each individual assigned to CUSI/CAC are bound by the non-discrimination guidelines. CUSI/CAC personnel also receive on-going training in diversity issues. The OP requires that all presentation, prevention, and advocacy efforts be adapted to meet the needs of the diverse population in Chittenden County.

B. *Events*

CUSI participates in various community events. For example, there is an upcoming Take Back the Night event that is being sponsored by the Women's Rape Crisis Center and CUSI is going to MC the event.

C. *Collaborative Partners*

CUSI participates in a number of initiatives with service providers and other agencies including:

- Vermont Internet Crimes Against Children Task Force
- Child Fatality Review Team
- Vermont Drug Endangered Children
- The New England Crisis and Trauma Center
- Vermont Center for Prevention and Treatment of Sexual Abuse
- KidSafe Collaborative
- SafeSpace
- Women Helping Battered Women
- Women's Rape Crisis Center
- Women's Center at the University of Vermont
- Parents Against Violence
- Spectrum Youth Services
- Baird Center for Children and Families
- Vermont Refugee Resettlement Program

- First Call for Children, Youth, and Families
- Howard Center for Human Services
- Chittenden Child Protection Team
- Drug Endangered Children Team
- Prevent Child Abuse Vermont

CUSI also outreaches to target audiences such as DARE, School Resource Officers, School administrators and counselors, parents, and K-12 students.

D. Pamphlets

CUSI also provides pamphlets to all of its collaborative partners, and is currently in the process of revamping its pamphlet.

X. Budget and Funding

CUSI's annual operating budget is approximately one million dollars. CUSI receives a variety of state grants that cover costs such as cellular phones, vehicles, and portions of some of the personnel's salaries. The remaining operating costs are divided by the annual number of cases investigated by CUSI, and are distributed to every town in the county in proportion to the number of investigations arising within the town.

Chittenden Unit for Special Investigation and the Chittenden Child Advocacy Center Policy Board of Directors and Bylaws

CUSI/CAC are directed by a single Board of Directors ("BOD"). The BOD meets monthly to establish procedures and oversee the budget and operations of CUSI and CAC. The bylaws require that a broad cross-section of the Chittenden County community be represented on the BOD. The bylaws require the following organizations to be represented on the BOD:

- State's Attorney for Chittenden County
- District Director of Social and Rehabilitative Services
- Two Chiefs of Police from participating agencies
- Two town managers from participating towns
- A municipal attorney
- A representative from the Women's Rape Crisis Center
- A SANE representative or other medical professional

These positions are unpaid that the general duties of the BOD include the following:

- Establishing operating procedures
- Selecting personnel
- Monitoring financial performance
- Fund-raising
- Monitoring and evaluating organizational performance
- Representing CUSI and CAC in the community

With the exception of the State's Attorney and the District Director positions, all other positions are for an initial three year term and may be re-elected thereafter by the BOD. A two-thirds majority vote is required to elect a member. The BOD may only take official actions if a quorum, a numerical majority of all members, is present. The organization is audited on a yearly basis by an independent accounting firm and CUSI and CAC are required to provide expenditure information to the BOD on a quarterly basis.

Comparison of Requirements for Burlington Police Department and Requirements for Cleveland Division of Police

Overall, the BPD and the Cleveland Division of Police ("CPD") are subject to drastically different requirements with regard to investigating sexual crimes.

I. Differences in State Law Requirements

A. Vermont and Ohio Law do not Impose Substantial Duties on the BPD and CPD with Regard to Sex Offender Reporting Requirements

Similar to Ohio, Vermont does not impose substantial requirements or duties on the BPD with regard to sex offenders. In Ohio, sex offenders must register with and report changes to the sheriff. In Vermont, sex offenders must register and report to VDPS. Thus, in both Vermont and Ohio, municipal law enforcement agencies are not primarily responsible for sex offenders' compliance with registry requirements. Note also that Texas (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

B. Vermont State Law Requires Regional Specialized Investigative Units

Vermont state law requires the establishment of regional special investigative units for the investigation of sex crimes. Ohio has no such requirement for regional specialized investigative units for sexual crimes

II. Differences in Department Policies

A. *Burlington has a Specialized Regional Unit for Investigating Sex Crimes*

In Cleveland, sexual crimes against children and adults are investigated by the same unit, the CPD Sex Crimes and Child Abuse Unit. In Burlington, the BPD forwards all sexual offense reports to its regional unit, CUSI a non-profit corporation, for investigation. Depending on the severity of the offense, CUSI will decide whether or not to investigate. Thus the BPD is not investigating most sexual offenses, whereas the CPD is investigating all sexual offenses arising within the CPD's jurisdiction.

B. *Differences in the Procedure for Selecting Detectives*

The CPD, is required to fill one-half of the vacancies in the CPD Sex Crimes and Child Abuse Unit based on seniority and may select the other one-half without regard to seniority. CUSI is not required to make any selections based solely on seniority. The CUSI Director works with the local police department in making a selection and then CUSI's BOD approves the CUSI Director's selection.

C. *CUSI is Overseen by a Board of Directors*

CUSI is overseen by a Board of Directors that is comprised of a broad cross-section of the Chittenden County Community and includes the State's Attorney, the District Director of Social and Rehabilitative Services, two Chiefs of Police, two Town Managers from participating towns, a municipal attorney, a representative from the Women's Rape Crisis Center, and a SANE representative. The Board of Directors meets monthly to examine the CUSI's budget and operations. CUSI and CAC provide expenditure information to the BOD on a quarterly basis, and CUSI and CAC are audited annually.



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE**

		Number: 04-DD96.32
Date Issued: 12-02-96		Reviewed Date: 09-13-2001
Subject: CRIMINAL INVESTIGATION Chapter: 04		___ New: ___ Amends: <u>X</u> Rescinds: US 81-10
Accreditation Standards Reference: 42.1, 42.2		
Authorized Signatures: Deputy Chief: _____ Thomas R. Tremblay Chief of Police: _____ Alana M. Ennis		Page <u>1</u> of <u>16</u>

PURPOSE: This Directive deals with the investigation of crime by both the Uniform Services Bureau (USB) and the Detective Services Bureau (DSB). This establishes policies and procedures that will ensure the effective and efficient performance of the criminal investigative function by the Burlington Police Department.

POLICY: The solution of crimes through proper investigative methods is a critical element in the Department's effort to enforce the laws. It shall be the policy of the Burlington Police Department to investigate all reported criminal offenses by collecting information basic to the report of the offense; collecting and preserving evidence; apprehending suspected offenders; recovering property; and, preparing cases for prosecution. Through departmental cooperation, the ultimate objective of any criminal investigation case solution will be achieved.

CONTENTS:

- I. Investigative Responsibilities
- II. Criminal Investigative Services
- III. Case Management
- IV. Solvability Factors
- V. Preliminary Investigations
- VI. Responsibility
- VII. Witnesses and Suspects
- VIII. Note Book and Reports

- IX. Command
 - X. Follow-Up Investigations
 - XI. Polygraph Examinations
 - XII. Background Investigations
 - XIII. On-Call Investigator List
 - XIV. Cancellations
 - XV. Contributors
-

I. INVESTIGATIVE RESPONSIBILITIES 42.1.4

- A. Patrol officers are expected to conduct thorough initial investigations using solvability factors as investigative guidelines, and to pursue the initial investigation to its logical conclusion within the constraints of time, geography, and expertise.
- B. Officers assigned to DSB are expected to concentrate their activities, as designated, on:
 - 1. The collection of information that will support, verify and extend the information collected during the initial investigation;
 - 2. Assist the original investigating officer with preliminary and/or follow-up investigation when particular expertise is required;
 - 3. Conduct such other initial and follow-up investigations that cannot be undertaken by Uniform Services due to:
 - a. The investigation requiring specialized or technical equipment;
 - b. Extensive coordination required with outside agencies;
 - c. The investigation requiring monitoring or maintenance of undercover operatives in the field;
 - d. The investigation requires travel outside the immediate Burlington area; or
 - e. Extensive coordination is required and manpower or scheduling conflicts with the timely completion of the investigation.
 - f. Immediate follow-up is required to provide for the safety of the victim(s) or witness(es) and Uniform Services is unable to do the follow-up in a timely manner.

II. CRIMINAL INVESTIGATIVE SERVICES

- A. The Detective Services Bureau is established as a component of the Burlington Police Department. The Bureau is managed by the USB Deputy Chief who reports directly to the Chief of Police.
- B. DSB is responsible for, but not limited to, the following activities:
 - 1. Receive, store, maintain and dispose of all evidence and property turned in by department personnel;
 - 2. Conduct criminal investigations;
 - 3. Conduct juvenile investigations as assigned;
 - 4. Collect, process, and record criminal intelligence information relating to organized crime, vice, and other criminal activity. Conduct undercover investigations and support undercover operatives;
 - 5. Develop, maintain contact with, and appropriately record information from informants, and retain an informant file;
 - 6. Maintain all specialized criminal investigative equipment owned by the department;
 - 7. Maintain liaison with the State's Attorney's Office, the Attorney General's Office, any pertinent investigative task force, and other law enforcement agencies for the purpose of coordinating activities and exchanging information;
 - 8. Assist officers with preliminary investigations, when appropriate; and
 - 9. Conduct training for officers in the department in specialized investigative methods and techniques.

III. CASE MANAGEMENT 42.1.3

- A. Officers are encouraged to investigate reported crime to the fullest extent possible and are allowed considerable discretion depending on their ability and expertise. Normally, the officer assigned to the patrol area in which the complaint originated will be assigned the case. Criminal investigators will be assigned cases based on their knowledge, skills, and qualifications. Once assigned a case for follow-up, the assigned detective is responsible for coordinating any and all investigative efforts relating to that case.

- B. Assigning cases for follow-up will, in part, be determined by assessing the solvability factors present and the department's history in resolving cases with a like profile.
- 42.1.3b C. Criminal cases being investigated by department personnel will be considered assigned or "open" cases.
- 42.1.3b D. Criminal cases that are not currently assigned or have been assigned and the investigation concluded will carry one of the following designations:
 - 1. "Active" - indicates that all available leads have been exhausted but the case has not been brought to a satisfactory conclusion;
 - 2. "Closed" by one of the following conclusions:
 - a. Arrest - a person(s) has been arrested and charged with this crime.
 - b. Cited - a person(s) has been charged with this crime and has received a citation to appear in court at a later date.
 - c. Petition - a juvenile(s) has been arrested and/or charged with this crime.
- E. Whenever a case has been assigned for investigative follow-up, efforts by the assigned investigator shall not be suspended without approval of the DSB Supervisor or his/her designee.
 - 1. Criteria to be considered when suspending investigative efforts will include:
 - a. Absence of further leads or solvability factors;
 - b. Unavailability of investigative resources;
 - c. The degree of seriousness of the offense(s).
- 42.1.3a,cF. Case file maintenance. Case files consist of copies of all pertinent documents relating to a particular case. After reviewing the case file, the DSB Supervisor may assign the case based on solvability factors and/or the seriousness of the case. DSB support staff will maintain a file for each investigator, listing the current cases assigned by case number. A master file will be maintained listing the assigned investigator, complainant's name, date of occurrence, and type of crime. Individual case file, once logged, will be turned over to the assigned investigator. Only active cases will be kept by the investigator. Once the investigation is completed, the case will be forwarded to a DSB Supervisor for review and recording as completed. The

- 42.1.3d 1. Access to an investigator's case file will be on a need to know basis with the permission of the investigator or a DSB Supervisor.
- 42.1.3e 2. Once a case is fully investigated and final disposition is assigned by the investigator, the case file will be processed by a DSB Supervisor and forwarded to records.

IV. SOLVABILITY FACTORS 42.1.2

- A. Solvability factors are used to assist in the determination of which cases should be assigned for further follow-up investigation by:
 - 1. Establishing a list of factors, which are considered in the receiving, review, and assignment of case reports.
 - 2. Assigning for further investigation only those cases that have a sufficient degree of solvability potential as measured by the solvability factors.
 - 3. Directing the purpose of report taking toward the search for indicators of successful case resolution.
- B. Solvability factors are information about a crime that can provide a basis for determining who committed that crime. Basically, a solvability factor is a "lead" or "clue" in the search for the perpetrator of the offense. The solvability factors selected are those which will assist the investigating officer in bringing the case to a conclusion; assist the reviewing supervisor in assuring that proper investigative steps have been taken; and assist the reviewing officer in deciding which cases have the potential for a successful resolution through further investigation.
- C. The solvability factors selected are:
 - 1. **Can a suspect be named?** The officer conducting the preliminary investigation shall determine from any pertinent party available, whether or not a full or partial name of a suspect is available. It shall be stated in the officer's report with whom he/she spoke to obtain this information and to whom he/she spoke with negative results. Merely saying, "I spoke with some people in the area and no one could tell me anything" is insufficient.

2. **Could a suspect be identified by the victim/witness if seen again?** The officer shall determine whether or not the victim/witness would be able to identify the suspect if seen again.

3. **Is the address of a suspect known?** Often, a victim/ witness may not know the suspects name, but could state that they have seen the suspect leave a certain residence, or knows that he/she lives down the street.
4. **Is it known where a suspect may usually be found?** As in the case of a suspect's address, a person providing information may not know the suspect by name, but could state that he/she may usually be found at a particular bar, social club, gym, etc....
5. **Was a vehicle plate number obtained by the victim/ witness?** Citizens have been trained to look for this feature during moments of suspicious activity. The investigating officer shall closely question pertinent parties when a vehicle is known to be involved. Even partial numbers may be of assistance; do not disregard the witness who cannot provide a full number.
6. **Can the vehicle be identified by the victim/witness if seen again?** The investigating officer shall determine if the vehicle had any distinguishing characteristics such as, bumper stickers, dents, body work, unusual paint or tires, extra antennas, etc. This inquiry shall not necessarily be limited to the interior of the vehicle.
7. **Was any traceable property taken?** Determine if any of the property taken had serial numbers, distinguishing characteristics, which would make identification easy, or whatever other considerations are generally made in tracing stolen property.
8. **Is there any significant physical evidence available?** State what evidence was taken by whom, where it was found, and the purpose of taking the evidence and the significance of the material to the investigation. The officer must evaluate the importance of evidence in terms of the goal of solving the crime. If the answer to this solvability question is "yes", the officer must report all the details about the evidence. If the answer is "no", the officer must document what efforts were made to find significant evidence.
9. **Is there a significant "modus operandi" present?** Criminals generally commit the same type of crime over and over. They also commit the crime in the same or similar fashion as they have in the past. Therefore, the investigating officer shall cite in the report exactly how the crime was committed and determine if the method

10. **Was there an extremely limited opportunity for the suspect to have committed the crime?** Attempt to determine from the victim if the crime could have been within a specific time frame or if only specific persons could possibly have committed the crime. This factor often has significance with respect to people who know the victim's habits or schedule, people "casing" a place, or when only certain persons have access to a particular restricted area.
11. **Is there reason to believe that the crime would arouse such interest that public assistance will lead to its solution?** Certain crimes, such as homicide, offenses against children, or a series of rapes, all generate a good deal of public interest. Since police rely on people for information, this increased level of interest is often of great assistance. The investigating officer shall use his/her judgment as to the level of interest in a particular offense and answer this question accordingly.
12. **Is there reason to believe that further follow-up investigation will lead to the solution of the crime?** The investigating officer in a particular case may feel that just a little more work could wrap the case up, but for one reason or another the officer is unable to conduct this work at the time. In some other cases, the officer may feel that there are steps that he/she can take that may lead to the solution of the crime, even though no other solvability factor is present. If the officer answers "yes" to this question, he/she must state the basis upon which he/she rests this conclusion and specify what steps should be taken to bring the case to a successful conclusion.

D. Investigative Uses of Solvability Factors

1. Officers shall use the identified solvability factors to guide all appropriate criminal investigations so as to ensure that these key areas are considered.
2. In the initial report, the investigating officer will document all efforts to address each of the 12 solvability factors and specifically address what or what was not learned.

E. Directions for Use of Solvability Factors by Supervisors.

1. The primary goal of the police case report is to provide the basis upon which further investigation may or may not be conducted.
2. The supervisor reviewing officers' reports must not only check for completeness and accuracy, but must also insure that the report relates what investigative steps have been taken and what remains to be done.

DEPARTMENT DIRECTIVE 96.32

page 8

3. In using the solvability factors, the supervisor will be able to assist personnel in conducting as complete an investigation as possible. The officer's report must address all twelve solvability factors before it is complete.
- F. All reports of Part I crimes will be forwarded to the DSB Supervisor for review. The use of solvability factors will assist in making decisions as to whether or not a case should be assigned for further investigation. He shall first check to see which solvability factors are present in a particular investigation and then review the report in detail to see that the strength of those solvability factors present warrants the assignment of the case for further investigation. If no solvability factors are present, or if the DSB Supervisor feels that, the case simply does not warrant further investigation, he/she will recommend that the case be closed.

V. PRELIMINARY INVESTIGATIONS

- A. One of the most basic and important functions of the police is the investigation of criminal offenses. The preliminary investigation is often crucial to the successful conclusion of the case. The preliminary investigation may turn up information that is useful in solving other crimes and it serves as a vital link between the crime and a subsequent in depth investigation.
- B. The major purpose of the preliminary investigation is to gather information. Information may be obtained from things (physical evidence) or from persons. Neither source should be overlooked.
- C. The Department's "**Major Crime Packet**" will be used for preliminary investigation in the investigation of the following incidents;
 1. Murder or attempted murder;
 2. Suicide;
 3. Non-negligent manslaughter;
 4. Forcible sexual assault or attempts;

5. Robbery or attempts, with a weapon;
6. Aggravated assault that is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
7. Suspicious death;
8. Arson.

DEPARTMENT DIRECTIVE 96.32

page 9

42.2.4 The major crime packet may be used in its entirety or modified depending on the circumstances or nature of the crime. The listed criteria for the use of the crime packet does not preclude its use for other offenses when the USB Supervisor or patrol officers determine it would be appropriate or helpful to do so. The major crime packet is a useful tool, which includes investigative checklists to ensure critical areas of investigation are not overlooked.

VI. RESPONSIBILITY 42.1.4 & 42.2.2

- A. The preliminary investigation is the responsibility of uniformed patrol officers. Uniform Services units are relied on because of their availability and capability of providing prompt and efficient services any time of the day or night. Patrol units can be effective in apprehending suspects at or near the scene.
- B. In unusually serious or complex crimes, the Chief of Police or a Bureau Deputy Chief may arrange to have investigative personnel conduct the investigation from the beginning.
- C. Patrol units shall proceed promptly to a crime scene in a safe and responsible manner. A patrol unit shall not proceed to a crime scene unless:
 1. It is specifically ordered to respond (other units should remain on the perimeter to assist in apprehension of the offender or to perform duties as directed).
 2. The crime occurs or is discovered within the assigned area of the unit.
 3. The patrol unit is generally responsible for investigative work.
- D. The officer that approaches the scene shall be alert for any signs of suspicious activity, especially evidence of a fleeing criminal.
- E. The officer first arriving on the scene shall be in command and conduct the preliminary investigation unless relieved of that responsibility by a supervisor.

- F. The investigating officer shall immediately determine the need for medical aid for any injured person(s) at the scene.
1. The aid may be rendered by the officer; or
 2. The aid of a bystander may be sought to free the officer for other activities; or

DEPARTMENT DIRECTIVE 96.32

page 10

3. If the injury is of a serious nature, the officer shall call for emergency medical assistance (EMS).

- G. If it is determined that a crime has been committed, the officer may then seek to arrest the offender if there is a reasonable likelihood that the offender can be apprehended. Some factors, which may be considered in determining whether or not to leave the scene, are:

1. Nature of the crime.
2. Time of the day or night.
3. The location of the crime.
4. The lapse of time between the crime and arrival at the scene.
5. The availability and extent of the immediate description.
6. Availability of other officers to conduct a search for the suspect and/or effect the arrest.

- H. The officer shall, as soon as practical, provide dispatch the following information:

1. The nature of the crime.
2. A description of the offender and direction in which he/she fled.
3. A description of the vehicle, if any.
4. Whether or not the offender is, or may be armed.

- 42.2.2c I. The officer shall secure the crime scene and preserve evidence.

1. Physical evidence shall not be touched or moved unless it is absolutely necessary to insure its preservation.

- 42.2.1c 2. The officer shall briefly note and record any evidence that may be related to the crime and shall request the services of specialists if needed. If specialists are not needed, the officer shall be responsible for collecting, documenting and properly storing physical evidence.

3. Unauthorized persons will not be permitted to enter the scene. Unauthorized persons are any civilians or police personnel not necessary for continuation of the investigation.
- J. The officer shall prepare all appropriate paperwork before the end of his/her shift. If the case is to be forwarded to the Detective Bureau for follow-up, the Officer in Charge will change the "responsible officer section" to the DSB Lieutenant's call number, who will in turn assign it to an appropriate DSB investigator.

DEPARTMENT DIRECTIVE 96.32

page 11

VII. WITNESSES AND SUSPECTS 42.2.1 a,b & 42.2.2 b,d

- A. The officer shall locate, identify, and interview witnesses and the complainant.
 1. Witnesses shall be separated to insure independent statements.
 2. Witnesses should be questioned as soon as possible and in a quiet area if available.
- B. The officer shall observe the following minimum standards for interviewing the complainant and witnesses:
 1. Questions should be simple and in plain language.
 2. Avoid interruptions.
 3. Ask only one question at a time and allow the witness sufficient time to answer.
 4. Avoid leading questions that imply a certain answer.
 5. Avoid sarcasm, rudeness or antagonism.
- C. Whenever possible, officers will identify suspects and interview/interrogate them.

VIII. NOTE BOOK AND REPORTS

- 42.2.2a A. The investigating officer shall maintain a notebook and at a minimum make notes of the following data:
 1. Time of arrival.
 2. Weather conditions.
 3. Approximate time of the crime and by whom and when it was discovered.
 4. Identity of the officers present.

5. Information concerning physical evidence.
6. Name, address, home and work phone numbers of the victim(s) and/or witness(es).
7. Hour, date and location of the interview.
8. The description of the suspect, especially unusual characteristics.
9. Description of the vehicle, if any.

DEPARTMENT DIRECTIVE 96.32

page 12

10. Brief statements as to what the witnesses heard and/or observed. However, if a statement appears highly informative due to its nature and content, a verbatim record should be made.
 11. Important measurements in a crime scene sketch.
 12. Any other pertinent information the officer believes may be useful in apprehending the suspect or documenting evidence.
- B. Upon completion of the preliminary investigation, the officer shall file a report concerning his activities.
1. The report shall be thorough, accurate, and complete.
 2. The report, at a minimum, shall contain the information outlined in above (A) and any other relevant facts and observations that may be useful in solving the crime.
- C. Original notes and major crime packet forms will become a permanent part of the case file.

IX. COMMAND

- A. The initial officer shall yield the investigation:
1. When ordered to do so by the Officer-in-charge; or
 2. Upon the arrival of a detective that has been assigned through proper authority to take over the investigation.
- B. Whenever possible, the original investigating officer should be involved in the investigation.

X. FOLLOW-UP INVESTIGATIONS 42.1.4

- A. It is the policy of the Burlington Police Department that follow-up investigations are the primary responsibility of the officer who initiated the investigation. Circumstances may dictate, however, that follow-up investigations be conducted by an officer assigned to DSB due to the length of the investigation, the necessity to spend extended amounts of time outside of the City, or for some other reason deemed necessary by the appropriate Supervisor.
- B. DSB Supervisor is responsible to ensure follow-up investigations are assigned and accomplished.

DEPARTMENT DIRECTIVE 96.32

page 13

- C. Generally, the follow-up will;
1. Initiate inquiries into investigative leads to identify suspects and associates.
 - 42.2.3a 2. Research and review internal and external records, reports, and lab examinations related to the incident, similar incidents or suspects.
 - 42.2.3c 3. Use all available sources to obtain new information.
 4. Disseminate information to the law enforcement community.
 - 42.2.3d 5. Use warrants and/or NTOs for the collection of evidence, if necessary, and plan, organize and execute the warrants.
 - 42.2.3d 6. Identify, collect, preserve and use evidence pertaining to the crime and suspect.
 - 42.2.3b 7. Continue the search for additional witnesses, re-interview original witnesses and victim(s), if necessary.
 8. Submit appropriate evidence for laboratory analysis.
 - 42.2.3e,f,g 9. Identify, locate and arrest the suspect(s) using criminal histories, M.O.'s, and other information, determine any involvement in other crimes.
 - 42.2.1e 10. Conduct appropriate surveillance, interrogations, and polygraph testing.
 11. Recommend suspension of investigation if all leads are exhausted.
 - 42.2.3h/42.1.5 12. Prepare and submit the case for prosecution and confer with the prosecutor to prepare for court. Prior to forwarding the case to the State's Attorney's office, the officer shall obtain the suspect's criminal history. When a suspect qualifies as a habitual offender pursuant to Title 13, section 11, the officer shall indicate this to the State's Attorney's office either via telephone or on a note attached to the

- 42.2.3i D. In cases of felonies, serious misdemeanors or missing persons, a second interview of the victim and witnesses will be conducted during the follow-up investigation. Further information and/or evidence may be developed during this re-contact of the principals.
- E. The appropriate supervisor will, when assigning a case for follow-up investigation, consider the probability of case solution based on the solvability factors present, and assign resources accordingly.

XI. POLYGRAPH EXAMINATIONS 42.2.8

- A. Polygraph examinations requested by or conducted for the Burlington Police Department shall only be performed by an examiner who is a graduate of an institute providing training in the use of the polygraph.
- B. Polygraph examinations requested by or conducted for the Burlington Police Department shall be performed by the Vermont Department of Public Safety whenever possible.
- C. All cases considered for a polygraph examination should first be discussed with an immediate supervisor.
- D. No appointment shall be made without having been discussed with a supervisor. All appointments shall be made through the DSB Supervisor.
- E. All reports, notes, statements and any other information should be forwarded to the examiner as soon as possible. All background information such as date of birth, criminal record, residence, full name, and other information on the person to be tested should be gathered by the investigating officer and forwarded to the examiner with the specific case reports.
- F. Intensive interrogation of the person to be examined immediately prior to the examination should be avoided. However, the person may be interviewed briefly prior to the examination, but only to determine opportunity to commit the crime and motive or desire. This session does not relieve the investigating officer of the responsibility to interrogate a suspect prior to the polygraph examination date.
- G. A person under the influence of alcohol, sedatives, or suffering from physical pain, a severe cold or respiratory disorder is not ordinarily considered to be in fit condition for an examination. A person's physical and mental condition should be as near normal as possible.

H. The investigating officer shall avoid disclosure to the suspect of any details or facts established during the investigation. Certain facts concerning the crime, which could only be known to the perpetrator(s), should not be disclosed to the suspect, public or media. These facts could be important to the examiner. Examples would be:

1. Method of entry.
2. Specific amount of currency.
3. Type of weapon.
4. Location from which property was stolen.
5. Means of egress.

DEPARTMENT DIRECTIVE 96.32

page 15

- I. A polygraph examination will not be conducted on any person if the examiner feels the person is physically or mentally unfit for the test. Polygraphs will only be administered to people who voluntarily agree to submit to this examination.
- J. Personnel should also keep in mind that there are several other factors, especially of a physical or psychological nature, that may be cause for non-examination. Questionable characteristics include:
 1. Females during menstrual periods.
 2. Females who are more than 100 days pregnant.
 3. People with amputations.
 4. People who, within the previous six months, had major surgery.
 5. People with high/low blood pressure or cardiac problems.
 6. People under the age of 16.
- K. The polygraph examiner has the authority to decline to perform an examination if, in his/her opinion, the circumstances indicate that performing the task would be unwise and/or the results of any examination would be unreliable.

XII. BACKGROUND INVESTIGATIONS 42.2.1 d

- A. Criminal investigations frequently involve background investigations of persons, particularly as they relate to white-collar crime and vice activities. The Burlington Police Department will conduct background investigations

only in correlation with an ongoing criminal investigation. This section does not apply to background investigations in the selection process.

- B. Various sources of information are available in conducting background investigations. Some potential sources are:
 - 1. Financial institutions and business associates.
 - 2. Former employers.
 - 3. Informants.
 - 4. Utility companies.
 - 5. Public records.
 - 6. Intelligence reports.
 - 7. Criminal history.

DEPARTMENT DIRECTIVE 96.32

page 16

- 8. Other law enforcement agencies.
 - 9. Pawn shops.
- C. All information obtained in a background investigation will be incorporated into the case file, and will be considered confidential.
- D. Information will be obtained through legally acceptable means. Officers may seek search warrants, subpoenas, or NTOs to obtain the needed information.

XIII. NOTIFICATION OF OFF-DUTY DSB PERSONNEL 42.1.1

The Lieutenant of the Detective Services Bureau shall furnish the Communication Center and the Officer in Charge with a list of pager and home telephone numbers for the purpose of facilitating a response by an investigator during off duty hours and when their special expertise is necessary for consultation or actual physical response. All requests for off-duty DSB personnel shall be made through the DSB Supervisor.

XIV. CANCELLATIONS

This directive supersedes US 81-10 issued 5-25-83.

XV. CONTRIBUTORS

Chief Alana M. Ennis

Deputy Chief. Thomas R. Tremblay

Lt. Emmet B. Helrich

Sergeant Jennifer Morrison

Corporal Stephen Dixon

Chief Kevin P. Scully, Retired

Deputy Chief Glendon W. Button, Retired

Commander David E. Demag, Retired

**CHITTENDEN UNIT FOR SPECIAL INVESTIGATIONS POLICY BOARD
AND
CHITTENDEN CHILD ADVOCACY CENTER POLICY BOARD
BYLAWS**

ARTICLE I. GENERAL PROVISIONS

Section 1. Organization Name and Purpose. The Chittenden Unit for Special Investigations ("CUSI") is an inter-agency organization authorized under 24 V.S.A. §1938 [Intermunicipal police services; purpose; agreements]. CUSI's dual purpose is to conduct criminal investigations of sexual offense crimes and serious cases of physical child abuse and to services to the victims of these crimes within Chittenden County in Vermont.

The Chittenden Child Advocacy Center ("CCAC") is established and operated as a non-profit Vermont corporation to provide services to children who are victims of sexual offense crimes. The CCAC will also serve as a clearinghouse to provide and to assist other entities in providing education and training programs regarding sexual offense crimes against children. Both CUSI and the CCAC will promote cooperative efforts between municipalities, police agencies, prosecutors, SRS and victims advocacy and support groups.

Section 2. Location. The principal office of CUSI and CCAC will be located at 50 Cherry Street, Burlington, Chittenden County, State of Vermont.

Section 3. Fiscal Year. CUSI and the CCAC shall utilize the July 1 - June 30 fiscal year, unless otherwise voted upon to the contrary by a majority of the Policy Board.

Section 4. Directors/Policy Board. CUSI and the CCAC shall be directed by a single Policy Board of Directors ("Policy Board"), which shall normally meet one time per month to establish policies and procedures, and oversee the budget and operations of CUSI and CCAC. These organizations shall continue to be governed by the Policy Board until such time as the Policy Board may determine to separate oversight functions of the two organizations.

ARTICLE II. POLICY BOARD OF DIRECTORS

Section 1. Membership on the Policy Board. The organization shall be in the legal charge of the Policy Board of Directors ("Policy Board"), which shall consist of not more than fifteen (15) members. Members of the Policy Board shall be drawn from a broad cross-section of the Chittenden County community.

The following individuals (or their designees) or organizations shall have representation on the Policy Board and shall serve during their respective terms of office: (1) The State's Attorney for Chittenden County, (2) District Director of Social and Rehabilitative Services, (3) two Chiefs of Police from participating agencies, (4) two Town Managers from participating towns, (5) a municipal attorney, (6) a representative from the Women's Rape Crisis Center (WRCC) or other comparable advocacy group, and (7) a SANE (Sexual Assault Nurse Examiner) representative or other medical professional.

In addition, the Policy Board may admit additional members to such Board according to the voting procedures adopted below.

Section 2. Duties of the Policy Board. The general duties and responsibilities of the Policy Board shall include:

- a. establishing the operating policies, procedures and philosophies of CUSI and CCAC;
- b. selecting personnel;
- c. monitoring the financial performance;
- d. fund-raising;
- e. monitoring and evaluating organizational performance; and
- f. representing CUSI and CCAC in the community.

Section 3. Number and Election; Quorum. Policy Board members, other than the reserved State's Attorney and District Director positions, shall serve for an initial term of three (3) years and may be re-elected thereafter, and there shall be no term limit regarding the service of an individual member. A candidate shall be elected to Board membership upon receiving a two-thirds (2/3rds) majority vote of the Policy Board members present and voting on that nomination. Newly elected Policy Board members take office immediately upon their election.

The Board may only take official actions on behalf of the organization when a quorum of the duly constituted membership is present. A quorum shall exist when at least a numerical majority of members are present, depending upon the actual size of the Board at that time.

ARTICLE III. POLICY BOARD ACTIONS, MEETINGS

Section 1. Regular Meetings. The Policy Board shall meet at such times and places as the Chair or Co-Chairs, after consultation with the Board, shall determine, but in no event shall said Board meet less than one time every two months.

Section 2. Special Meetings. Special meetings of the Board may be held at any time and at any place when called by the Chair, but in no event shall any special meeting be held upon less than 24-hours notice to all members of the Board.

Section 3. Notice of Meetings. Except as otherwise provided, notice of all meetings of the Board shall be given to each member by the Recorder. Notice of any Board meeting shall be given to each member either in person, by telephone, by e-mail, by fax, or in writing via first class mail to the address provided by each member. Wherever possible, the meeting notice shall state the general purpose of the meeting, and shall specify any financial or personnel questions up for consideration at that next meeting.

Section 4. Voting. Each Board member shall have one (1) vote. When a quorum is present, a decision shall be reached on the majority vote of the entire Board, except as otherwise specified herein (e.g., two-thirds required to approve new Board member). An abstention shall not be counted as a vote for the action being voted on.

A member may submit her/his yea or nay vote on any warned and noticed issue in advance of the scheduled vote on said issue by notifying the Chair of her/his vote on that issue. The Chair must make available to any member, on request, the absent member's voting submission at the time the vote is taken.

Nothing herein shall be construed as preventing the Chair from soliciting votes on any issue via fax or telephone, provided that the issue in question is either previously warned and noticed, or the issue requires immediate action and delay would seriously impair or jeopardize the continuing sound financial and structural health of the organizations. Emergency votes taken via phone or fax must be confirmed within thirty (30) days after the emergency vote by a majority of the Policy Board meeting in regular or special session.

Section 5. Meeting Attendance. Members must attend a minimum of two-thirds (2/3rds) of the total meetings within a given fiscal year to retain good standing. Failure to attend the minimum number of meetings may be grounds for removal from the Board, in the discretion of a quorum of the Board acting at a special or regular meeting.

Section 6. Conflict of Interest. No member shall use her/his membership on the Board to derive profit or gain, either directly or indirectly, and any possible conflicts of interest shall be disclosed to the Chair and to the full Board as soon as recognized by the affected member. No member shall discuss any particular case handled or considered or investigated by the organization with any member of the public or media, except that the Chair or CUSI Director may comment as to matters contained in the public portion of any criminal case filed in Court, and the individual Board members or the CCAC and CUSI Directors may comment on matters relating to general services or programs.

ARTICLE IV. OFFICERS OF THE BOARD

Section 1. Officers. The officers of the Board shall be the Chair, Vice-Chair (or Co-Chair), Secretary and Treasurer.

Section 2. Election of Officers, Term. Officers of the Policy Board shall be chosen by majority vote of the Board from among the Board membership. Officers shall serve for a term of one (1) year, and shall be elected during the last month of the fiscal year (June). An officer may be removed from office by a two-thirds (2/3rds) vote.

Section 3. Duties of Officers.

- a. Chair. The Chair shall preside at all meetings of the Board and shall prepare an Agenda before each regular or special meeting. The Chair shall appoint members

to sub-committees, subject to the approval of the members, and shall have such other and further powers as the Board shall direct and establish.

- b. Vice-Chair or Co-Chair. The Vice-Chair or Co-Chair shall assist the Chair as directed and shall exercise the powers and responsibilities of the Chair in the event of her/his absence, disability or resignation, and shall have such other and further powers as the Board shall direct and establish.
- c. Secretary. The Secretary shall record, keep and maintain records of all proceedings of the Board, including attendance. Said records shall be maintained in a book, books or in a format suitable for retrieval, and in an orderly fashion. Said records shall accurately reflect the proceedings, decisions and correspondence of and by the Board. The Secretary may delegate record keeping functions to the office manager, who shall present the records noted above subject to review and approval by the Secretary.

The Secretary shall have general oversight and responsibility to ensure that any and all documents, forms and information required by the State of Vermont or the United States in connection with establishing or maintaining the non-profit status of said organization are properly prepared and filed.

The Secretary shall also maintain the official copy of these By-Laws and shall ensure that said By-Laws are updated in compliance with the directives of the Board.

- d. Treasurer. The Treasurer shall have general oversight and charge of the books of account of the organization and supervision of the receipts and expenditures. S/he shall have general oversight of income, grants, gifts or other funding sources accepted by the Board for the funding of the non-profit corporation. Except as provided by the Board, s/he shall have responsibility for the notes, bonds, grants, accounts, money and obligations of the organization, and shall ensure that true and accurate records are kept of the financial affairs. The Treasurer shall make no notes, investments or otherwise obligate the organization without the approval of the Board, and s/he shall cause to be prepared an Annual Report on the financial status of the organization, which shall be prepared and presented during the last month of the fiscal year. The Treasurer may be required to give bond for faithful performance of her/his duties in such sum and with such surety as the Board shall determine, the expense of any such bond being paid by the organization. The Treasurer will chair the Budget and Finance Committee.

ARTICLE V. INSTRUMENTS

Section 1. Execution. The Chair, Co-Chair, the CUSI Director (for the CUSI account), and the CCAC Director (for the CCAC account) are authorized to issue or sign checks or other orders for the payment of funds. The CUSI and CCAC Directors are authorized to pay office expenses to include utility bills for the site or facility. In addition, they are also authorized to

sign a check or authorize payment for general operating needs in an amount exceeding One Thousand Dollars (\$1,000.00); payments over that amount will require the approval of the Board, or approval by the Chair in the bill or cost must be paid between regular meetings of the Board.

ARTICLE VI. BI-ANNUAL AUDIT AND BUDGET REVIEW

Section 1. During the last month of the every other fiscal year, the books of the organization shall be audited by a CPA and said report of audit will be distributed to all Policy Board members. The report of said audit shall be filed with the records of the organization and shall become a permanent part thereof.

Section 2. The CUSI Director and the CCAC Director shall provide information on all expenditures to the Board on a quarterly basis. All financial records and information regarding the budgets shall be accessible to the Board at all times.

ARTICLE VII. AMENDING THE BY-LAWS

Section 1. Amendments. These By-Laws may be amended only by a two-thirds (2/3rds) vote of the members of the Board then in attendance at a duly noticed meeting of the Board. In the event of a proposed amendment, the proposed amendment must be circulated to each Board member, in writing, at least one (1) week in advance of the meeting at which the change or amendment is intended to be discussed and voted upon.

ARTICLE VIII. PERSONAL LIABILITY

Section 1. It is expressly intended that the officers and Policy Board members of the organization shall not be personally liable for any debt, obligation, lawsuit, or liability of the organization and that all persons, corporations or other entities having or making any claim against CUSI or CCAC shall look only to the funds, assets and property of the organization for the satisfaction and payment of its claim. The officers and Policy Board shall be indemnified and held harmless by the organization from its debts, claims, suits or liabilities, and the organization shall purchase and maintain such liability and/or other insurance as is necessary to effectuate this clause.

ARTICLE IX. RULES OF THE BOARD

Section 1. Robert's Rules of Order shall govern the conduct of any and all meetings held by the Board.

ARTICLE X. DISSOLUTION OF THE ORGANIZATION

Section 1. In the event, however unlikely, of the dissolution of the organization, all property and assets shall be distributed to a bona fide non-profit or governmental organization

selected by the Board in its sole discretion. **APPROVED BY** the Policy Board of the Chittenden Unit for Special Investigations and Chittenden Child Advocacy Center this 28th day of February 2008.

T.J. Donovan, Co-Chair
Chittenden County State's Attorney

Nancy Sheahan, Co-Chair

Al Voegele
Colchester City Manager

Cathleen Wilson
Women's Rape Crisis Center

Cindy Taylor
SANE program

Joe Miller
Chief of Police, Richmond

James Dimmick
Chief of Police, Williston

Marcus Carr
SRS District Director

*Chittenden Unit for
Special Investigations*
CUSI

***MISSION STATEMENT, GOALS & OBJECTIVES
OPERATING PROTOCOL***

Updated February 2008

CHITTENDEN UNIT FOR SPECIAL INVESTIGATIONS

50 Cherry Street, Suite 102
Burlington, VT 05401
(802) 652-6800
(802) 652-4167 FAX
www.cusi-vermont.com

OUR MISSION

To protect and support all children, families and adults by strengthening our community's response to abuse through investigation, prosecution and intervention while fostering professional collaboration to promote education and advocacy regarding the prevention of abuse.

DESCRIPTION

The Chittenden Unit for Special Investigations (CUSI) and the Chittenden Children's Advocacy Center (CAC) consist of a multi-agency task force dedicated to providing criminal investigations in response to reports of sexual assaults and serious child abuse and for fostering and promoting public outreach regarding the education and prevention of these offenses. The professionals within the unit are specially trained to deal with the unique and sensitive nature of these offenses. Advocacy for victims and survivors is paramount while we strive for successful prosecutions. CUSI will continue to foster cooperative efforts with the municipalities in which it serves while continuing to strengthen its role as a premier law enforcement entity.

The operations of CUSI and the CAC will promote cooperative efforts between municipalities, police agencies, prosecution, health care providers, social service agencies and victim advocacy groups. The primary goal of CUSI is to better protect and serve victims/survivors and to enable successful prosecutions by the office of the Chittenden County State Attorney.

CUSI will perform this mission lawfully and with integrity, dedication, fairness, compassion, cultural competency while paying special attention to the unique needs of the victims/survivors and families we serve.

JURISDICTION

Investigations will generally be limited to reports and referrals of such cases within the borders of Chittenden County (population approximately 150,000). At the discretion of the CUSI Director, staff from the Chittenden Unit for Special Investigations may assist other agencies outside of Chittenden County on an as needed basis or as requested.

PURPOSE

The Chittenden Unit for Special Investigations (CUSI) is designed:

- (1) To investigate incidents listed below and;
- (2) To act as a consultant/resource for other incidents where the local department retains authority of the investigation and;
- (3) To provide training and additional resources to area departments and;
- (4) To provide local and statewide education and outreach resources and;
- (5) To coordinate efforts with area agencies involved in child protection and victim advocacy.

The Chittenden Unit for Special Investigation functions much like a county wide “*Bureau of Criminal Investigation*.” CUSI is designed to focus on the investigation of incidents pertaining to the following offenses:

- (1) Aggravated Sexual Assault – Title 13 VSA 3253
- (2) Sexual Assault – Title 13 VSA 3252
- (3) Lewd and Lascivious Conduct – Title 13 VSA 2601
- (4) Lewd and Lascivious Conduct with a Child – Title 13 VSA 2602
- (5) Other offenses pertaining to sexual abuse/child abuse including:
 - a. Mandated Reporting - Title 33 VSA 4913
 - b. Kidnapping and Unlawful Restraint – Title 13 VSA 2405, 2406 and 2407
 - c. Stalking Offenses – Title 13 VSA 1062 and 1063
 - d. Voyeurism – Title 13 VSA 2605
- (6) Exploitation of Children and Computer Facilitated Child Exploitation including:
 - a. Use of Child in a Sexual Performance – Title 13 VSA 2822
 - b. Possession of Child Pornography - Title 13 VSA 2827
 - c. Luring a Child – Title 13 VSA 2828
 - d. Dissemination of Indecent Material to a Minor – Title 13 VSA 2802

- (7) Serious physical abuse* of children and child death including:
 - a. Domestic Assault and Aggravated Domestic Assaults – Title 13 VSA 1042, 1043 and 1044
 - b. Homicide – Title 13 VSA 2301

**Serious physical abuse is defined as one incident of abuse OR a pattern of abuse which results in or could possibly result in "Serious Bodily Injury" as defined in Title 13 VSA 1021 as: "(A) bodily injury which creates any of the following: (i) a substantial risk of death; (ii) a substantial loss or impairment of the function of any bodily member or organ; (iii) a substantial impairment of health; or (iv) substantial disfigurement; or (B) strangulation by intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person."*

GOALS

The goals of the Chittenden Unit for Special Investigations (CUSI) are as follows:

- (1) The Chittenden Unit for Special Investigations will operate in tandem with the Chittenden Children's Advocacy Center.
- (2) To maintain a specialized unit of police investigators to conduct investigations involving incidents of a sexual nature and incidents of serious child abuse/child death. This type of investigation requires advanced training and extensive investigative efforts. CUSI will maintain an office at 50 Cherry Street, Suite 102 in Burlington, Vermont. Personnel assigned to CUSI will consist of the following: CUSI Director, CAC Director, Detectives assigned from area police agencies (*Contributing Police Departments include; Burlington, South Burlington, Colchester, Essex and the Vermont State Police*), Office Manager, Victim's Advocate, a dedicated Deputy State's Attorney and an Investigator from the Department of Children and Families (DCF).
- (3) To facilitate or to provide expert multi-disciplinary training to personnel assigned to CUSI. This training encompasses a variety of areas including but not limited to: Child Sexual Exploitation, Forensic Interviewing of Children, Interview and Interrogation, Sexual Assault Investigations, Child Abuse and Fatality Investigations, Protecting Children Online, Crime Scene Processing;
- (4) To train uniformed officers from each county department as First Responders to incidents of sexual assault, child sexual abuse and child abuse/child death. This training encompasses a variety of areas including strategies and tactics involved in "*First Response*" investigation, collection and preservation of evidence, as well as issues related to victim needs and support;
- (5) To provide all victims/survivors with access advocacy services via the CUSI Victim's Advocate or the Children's Advocacy Center;
- (6) A Deputy State's Attorney will be assigned to CUSI in a liaison capacity to prosecute cases;
- (7) To coordinate with other service agencies including the Department for Children and Families (DCF) (for investigations involving children), The Vermont Internet Crimes Against Children Task Force (ICAC), the Women's Rape Crisis Center (WRCC), the Sexual Assault Nurse Examiner program (SANE), local schools, medical facilities, and other local sexual abuse prevention/response groups;
- (8) To create public education and outreach presentations and material to focus on the identification, reporting and prevention of sexual abuse/sexual assault and child abuse.

CUSI OPERATING PROTOCOL

GENERAL

FACILITIES:

The Chittenden Unit for Special Investigations (CUSI) and the Children's Advocacy Center (CAC) are co-located at 50 Cherry Street, suite 102 in Burlington Vermont. This secure facility is designed to meet the needs of both child and adult victims/survivors by providing a friendly and safe atmosphere for interviews, advocacy, meeting or other purposes.

Interviews conducted at CUSI/CAC will be made available for observation by Multi-Disciplinary Team (MDT) members. Children, family members and/or support persons shall also be observed or supervised by staff/MDT members at all times. The facility shall be physically safe for children of all ages. Separate, age appropriate private areas will be available for case consultation, discussion and meetings with family members. Materials and play items shall reflect the needs and cultural interests of the diverse population of children, adolescents and adults.

The facility is conveniently located near the heart of downtown Burlington and is accessible by walking, public transportation, and driving. Parking is available across the street in a designated lot as well as street side. The CAC shall cover the cost of parking and or transportation.

The facility is fully accessible to persons with disabilities.

The facility is designed to provide separation between victims and alleged offenders/general public at all times. A designated plan of action will be in full effect if an alleged offender inadvertently enters the building. This plan shall include, but is not limited to:

- (1) Immediate Law Enforcement notification by office manager or any CUSI or CAC employee;
- (2) Swift and efficient removal of alleged offender by Law Enforcement to the Burlington Police Department or other designated facility;
- (3) If present when the alleged offender enters CUSI/CAC, children will be moved to a secure waiting room and shall remain with a staff member until the alleged offender is removed;
- (4) All staff can communicate via land phone, cellular phone or radio until the situation is resolved;
- (5) All CUSI and CAC employees shall be made aware of plan and the appropriate steps to be taken.

BACKGROUND INVESTIGATIONS:

Effective February 21, 2008, it will be the policy of the Chittenden Unit for Special Investigations (CUSI) and the Children's Advocacy Center (CAC) to include a background investigation as part of routine hiring of new employees and any volunteer(s) who may provide service to CUSI and/or the CAC.

- (1) Background investigations may include, but are not limited to:
 - a. A thorough review of applicant's application for accuracy;
 - b. Interviews with applicant current or past employer;
 - c. Vermont Sex Offender record check as outlined by the attached Vermont Criminal Information Center (VCIC) administrative procedures;
 - d. Criminal record check;
- (2) Personnel who are assigned to CUSI or the Children's Advocacy Center from a Law Enforcement Agency, State Agency or any Governmental Entity who routinely conduct background investigations as part of their hiring process will be exempt from this policy pending confirmation.

Civilian personnel who are assigned to the Chittenden Unit for Special Investigations including outside contractors, who have access to sensitive and/or confidential materials, will be required to sign a confidentiality agreement.

INVESTIGATIONS

CASE ORIGINATION

Cases may originate through referrals from a variety of sources. For cases originating during normal business hours, CUSI may be contacted directly and a CUSI Detective may be assigned for investigation by the CUSI Director. For cases originating after hours or on weekend/holidays, a responding officer (*preferably a First Responder*) from the department responsible for the area in which the incident occurred will be assigned to conduct the initial investigation and will coordinate with the designated on-call CUSI Detective according to these protocols

FIRST RESPONDER DUTIES

Many complaints regarding sexual assault or child sexual exploitation originate with the local departments, area hospitals, educational facilities or advocacy services. These complaints continue to require the response of a uniformed officer from the respective department to ensure: **Victim/Community safety, preservation of crime scene, preservation/collection of initial evidence, notification of/referral to CUSI and coordination with victim services.** These critical issues must be addressed before any Detective has been assigned to the case, therefore, designated uniformed officers from all departments should be trained by CUSI members in the area of First Response.

Once the above issues have been addressed, the First Responder/Officer will contact CUSI and together with the Detective, the officer and his/her agency will evaluate the need for immediate response by a CUSI Detective. If immediate response is not warranted the officer shall forward to CUSI his/her report along with the CUSI Intake Report form within 24 hours or by the next business day.

Some of the factors to be considered in this decision regarding a response by the CUSI Detective may include but are not limited to:

- (1) Safety of Victim
- (2) Safety of Community
- (3) Nature and severity of the offense
- (4) Date of the offense
- (5) Need for immediate interview with the child
- (6) Identity and location of the suspect
- (7) The need for immediate warrants
- (8) The need for advanced evidence collection techniques
- (9) Victim's availability to speak directly to Detective
- (10) Specific request by agency/officer based on extenuating circumstances

REFERRAL FOR MEDICAL EXAMINATION

The First Responder/Officer and/or the CUSI Detective will make referrals to the Fletcher Allen Health Center, Sexual Assault Nurse Examiner (SANE) program/Pediatric Sexual Assault Nurse Examiner (SANE-P) program, Emergency Department Service, ambulance services or physician services as needed. Referrals will be made in compliance with current standards as prescribed in the State of Vermont, Sexual Assault Nurse Examiner Protocol.

There will be no cost to the victim for the SANE examination or Pediatric SANE examination.

DCF REFERRAL OF COMPLAINTS INVOLVING MINOR VICTIMS

According to Vermont Statute, incidents that involve child sexual abuse, exploitation of a child, or serious physical abuse of a child require a joint investigation with DCF. CUSI will be exclusively responsible for these law enforcement investigations and coordinate directly with an assigned DCF intake investigator. For cases involving minor victims, DCF should be notified as soon as possible and **NO LONGER** than 24 hours according to the Vermont Statute set forth below:

Title 33 VSA 4913 – (Mandated Reporting) Suspected child abuse and neglect; remedial action :

Any physician, surgeon...mental health professional, social worker, probation officer, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours.

This report shall be made orally or in writing to the commissioner for children and families or designee. The commissioner or designee shall request the reporter to follow the oral report with a written report, unless the reporter is anonymous. Reports shall contain the name and address or other contact information of the reporter as well as the names and addresses of the child and the parents or other persons responsible for the child's care, if known; the age of the child; the nature and extent of the child's injuries together with any evidence of previous abuse and neglect of the child or the child's siblings; and any other information that the reporter believes might be helpful in establishing the cause of the injuries or reasons for the neglect as well as in protecting the child and assisting the family."

Although CUSI will coordinate investigative efforts with DCF, notifying CUSI of an incident mandating a report to DCF shall not constitute a "report" for the purposes of the above Mandated Reporting statute. It is the responsibility of the individual officer to ensure that DCF has been notified according to the above specifications.

CUSI NOTIFICATION

The Chittenden Unit for Special Investigations will be staffed during normal working hours and a Detective will be on-call during off hours/weekends/holidays, 24 hours per day, for the response/consultation with local agencies. Burlington Police Department Communication Services will answer calls/requests for the on-call CUSI Detective during non business hours and will maintain the on-call list for emergency notification of CUSI members.

After initial response from the local department, CUSI shall be notified. In most cases, the initial notification of the on-call Detective will be made by telephone immediately subsequent to initial case information being obtained as outlined above.

Regardless of the notification of the on-call CUSI Detective, any and all reports shall be forwarded utilizing the "*CUSI Intake Report*." These reports may be sent to CUSI via facsimile at 802-652-4167 or via email to the CUSI Director. Original case materials will be forwarded to CUSI in a timely manner via interoffice mail, by hand delivery to CUSI or via U.S. Mail. In any case, however, it is the responsibility of the initial investigating officer and his/her agency to ensure that the above materials have been received by CUSI.

CASE TRANSFER TO CUSI

When an area agency sends a case/investigation to CUSI for review, the CUSI Director will review all relevant intake sheets, officer reports, supplemental information and will accept or decline the case for investigation on a case-by-case basis.

In the absence of the CUSI Director, the CUSI Director will assign an Acting Director (*typically consisting of the most senior Detective*) will be assigned to review case/investigation referrals. In cases requiring immediate attention (*based on numerous factors to include safety of victim, familial issues, etc.*) The Acting Director will determine if a case is to be accepted and will assign to a Detective for investigation. In those cases not requiring immediate attention, the Acting Director will refer the case information to the CUSI Director upon his/her return for review.

Factors to be considered in accepting/declining investigations include but are not limited to:

- (1) Nature and severity of the offense
- (2) Personnel requirements or limitations
- (3) Personnel conflicts
- (4) Jurisdictional issues
- (5) Other investigative considerations

For those cases that are accepted for investigation, the CUSI Director will assign a CUSI Detective as the lead investigator for the incident and that investigator will commence said investigation as soon as practicable and within a reasonable amount of time. This determination will be based on numerous factors including, but not limited to: Victim/Community safety, severity of offense, dissipation of evidence, etc.

Once a case has been accepted for investigation, CUSI is responsible for a complete and thorough investigation. This investigation may include conducting the follow up interviews, the application and execution of warrants, non-testimonial orders and other functions that are customarily involved in complex investigations, to include the generation of reports, Affidavits and court cases as needed. Complex investigations may involve the utilization of personnel resources of both CUSI and the originating agencies. In instances where the case is transferred to CUSI, the CUSI Detective shall assume the role of lead Detective. In instances where jurisdiction remains with the local department, the CUSI Detective shall assume the role of advisor/consultant.

For those cases that are not accepted for investigation, the CUSI Director will maintain a copy of the original referral forms and make a notation as to the reason the case was declined for investigation. This documentation will be filed in hard copy according to month/year for record keeping purposes and for reference at a later time. If deemed appropriate, based on the amount and relevancy of information provided in any declined referrals, the CUSI Director may document details of the reports in the CUSI database for tracking purposes.

ROLE OF THE CUSI VICTIM'S ADVOCATE:

The CUSI Victim Advocate is responsible for a number of roles including, but not limited to: Guiding victims through the investigative and court processes, acting as a liaison between CUSI and the State's Attorneys Office, arranging victim's compensation and making referrals to therapy resources and or other advocacy services. These duties will be carried out with the assistance and cooperation of Detectives assigned to individual cases.

In ALL cases involving investigation and in any case in which a victim has been identified, victims **WILL** be referred to the CUSI Victim's Advocate and/or the Children's Advocacy Center Director for continued advocacy.

CASE TRACKING

When a case has been accepted for investigation, Incident/Complaint numbers will be generated and filed with the police department as dictated by the location of the assault. Additionally, CUSI maintains an independent database system to track cases, generate statistics and outcomes. Among the case details tracked by the system are information and detail regarding the nature of the offenses, victim, suspect, and the circumstances surrounding the incident.

The CUSI database will be housed on servers/internal networks at the CUSI office location and a dedicated back-up system will be maintained to ensure the integrity and preservation of information. The CUSI database and servers will be maintained by an independent consultant who has signed a confidentiality agreement.

CUSI will also maintain hard copies of all documents generated in the course of an investigation including, CUSI and DCF Intake forms, investigation reports, affidavits, records checks, arrest reports, etc. for its own records. The records maintained by CUSI will be filed by year and suspect last name or in the case where a suspect has not been identified, by victim last name. All original reports and inquiries regarding lab processing, records checks, etc will be made under the individual department's assigned number for the incident (i.e. 08CC03156).

ARRESTS

Arrests made by CUSI Detectives will be made in accordance with individual Detective's agency policies and procedures. For example, if the arresting officer's home agency is Essex Police Department, the arrest will be made in accordance with Essex Police Department policies and procedures. Individuals in custody will be processed at a local police station according to that police departments policies and procedures.

CUSI Detectives will make every effort to process any arrestee for fingerprints and photographs to ensure accurate documentation of the arrests.

CUSI Detectives will ensure the timely notification of a victim when an arrest is made either via the CUSI Victim's Advocate or directly. CUSI Detectives should also complete a "*Request for Notification for Victims and Affected Persons*" form ensuring that victims will be notified upon the release of any offender from the Department of Corrections.

EXAMPLE OF INITIAL REPORT CASEFLOW:

- ◆ A Local Police Dispatcher receives a complaint detailing a sexual assault;
- ◆ A First Responder from the department is dispatched to the complaint. If a First Responder is not available, another officer responds to the call.
- ◆ The officer determines the nature of the complaint and relevant information including but not limited to: The safety of the victim; the identity of the perpetrator if known; the date, time and location of offense; security of the crime scene if necessary; preservation and collection of evidence; and, in cases involving juvenile victims, the relationship to and location of the suspect, and the safety/security of the home environment;
- ◆ If the victim is a juvenile, DCF is notified as soon as possible/practical and **within 24 hours**;
- ◆ The officer contacts the Burlington Police dispatch who will contact the on-call Detective. A joint decision will then be made by CUSI Detective, the local shift supervisor, and the First Responder as to the investigative steps to be taken and/or the response of the CUSI Detective;

- ◆ A cooperative evaluation is made regarding the need for immediate response of CUSI Detective;
- ◆ If immediate CUSI response is not necessary, the officer shall forward to CUSI the initial report to CUSI in the manner outlined above within 24 hours or by the beginning of the next business day;
- ◆ Referrals to victim advocacy resources should be made at the earliest possible time as outlined above.

GENERAL PROCEDURES AND INFORMATION

MULTI-DISCIPLINARY TEAM AND SEXUAL ASSAULT RESPONSE TEAM

The Multi-Disciplinary Team (MDT) is a cooperative effort by the agencies listed below tasked with the ongoing review and consultation of investigations involving juvenile victims/survivors. The purpose of the MDT is to foster the seamless response to incidents investigated by CUSI, ensuring thorough investigations, to avoid duplication of efforts, to increase timely access to services and to improve the likelihood of successful prosecution. The CUSI/CAC MDT is empanelled under the authority of the Vermont Commissioner of DCF. The purpose of this empanelment is to have the ability to share confidential information with other team members.

The Sexual Assault Response Team (SART) is a cooperative effort by the agencies listed below tasked with the ongoing review and consultation of investigations involving adult victims/survivors. The purpose of the SART mirrors that of the MDT and members are also empanelled under the authority of the Vermont Commissioner of DCF to share confidential information with other team members.

Twice monthly meetings of the MDT and SART teams provide a forum for team members to present and highlight concerns of cases currently being investigated or prosecuted. These meetings are coordinated by the CAC director. Case review is designed to provide each member of the team the opportunity to discuss and monitor issues relevant to the case, including, but not limited to, child protection, investigation, prosecution, SANE examinations, victim services and mental health referrals. Members of both the MDT and SART teams are provided with regular opportunities for cross-disciplinary team training.

The Multi-Disciplinary team consists of representative for the following disciplines/agencies:

- Chittenden County State's Attorney's Office
- CUSI Victim Advocate
- Department of Children and Families (DCF)
- Sexual Assault Nurse Examiner (SANE)/Pediatric Sexual Assault Nurse Examiner (SANE-P)
- Children's Advocacy Center (CAC)
- CUSI Detectives (7)
- CUSI Office Manager
- Mental Health Providers
- Representative from the Office of Attorney General

CULTURAL COMPETENCY

The Chittenden Unit for Special Investigations and the Children's Advocacy Center shall not discriminate in their services, programs, or employment practices based on race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, union membership or any other legally protected classification. Each individual assigned to CUSI/CAC is bound by non-discrimination guidelines contained within their respective personnel policies.

CUSI and the CAC receive on-going training in diversity issues and have formed strong relationships with many diverse partner agencies in the community. Opportunities for team members and staff to receive on-going training in cultural diversity and related issues are provided by CUSI and the CAC.

Team members continue to adapt their practices to meet the needs of the diverse population of Chittenden County. Presentations, prevention and advocacy efforts have been adapted to meet these needs.

INTERVIEWING OF CHILDREN

The Children's Advocacy Center (CAC) at CUSI is an agency-based joint investigations model, an informal system for cooperation between child protective services and law enforcement.

The CAC provides a secure, child friendly environment for children and their families. Collaboration between CUSI and DCF Investigators helps to reduce the number of interviews conducted with victims/survivors and reduces the number of people to whom a child must report. To this end, the CAC strives to improve the quality of testimonial evidence.

When an allegation of suspected child abuse or neglect is made, both the CUSI Detective and DCF Investigator endeavor to conduct joint interviews of juveniles when a report indicates child sexual abuse, serious physical abuse or child fatality. Whenever possible, children should be interviewed in the child friendly interview room at the CUSI CAC or another appropriate room. It is recognized that in some instances child interviews cannot be conducted at the CUSI CAC and in those situations the reasons for not conducting the interview(s) at the CUSI CAC should be documented.

A closed circuit audio/video system exists to allow monitoring of the interview by parents/caretakers and other investigative personnel at the discretion of the investigating Detective. Interviewers may then consult as needed with interview observers and MDT members.

Interviews of child victims will be done in accordance with mandatory training provided by CUSI and such sources as the National Children's Alliance "*Forensic Interviewing of Children*" or another training deemed appropriate in the use and development of best practices. In accordance with best practices, CUSI interviews will be conducted in a non-leading and forensically sound manner.

All child interviews conducted at CUSI will be documented via digital video recording (DVD) **AND** digital audio recording. It is recognized that there may be occasions when it is not practicable to interview a child at the CUSI CAC as noted above. On those occasions all attempts will be made to conduct the interview in a facility with video recording capabilities. If this cannot be done, the child interview will be recorded via digital audio or other means of recording.

The above referenced digital video (DVD) and digital audio recordings shall be maintained at CUSI according to the evidence collection/housing procedures set forth below. Access to these recordings is limited to CUSI personnel unless a request is:

- 1) Court Ordered
- 2) Initiated by Chittenden County State's Attorneys Office
- 3) Initiated by Law Enforcement Agency

Access to recorded interviews is prohibited with the following exceptions: The Department for Children and Families on those cases in which recorded interviews were conducted jointly, other law-enforcement personnel and members of the MDT for purposes of case review.

For the purposes of this protocol, a child is identified as anyone under eighteen (18) years of age.

INTERVIEWING OF ADULTS:

In the course of investigations, CUSI Detectives will conduct numerous interviews of adult victims, witnesses, etc. These interviews should be recorded via digital audio when at all possible. Detectives may encounter circumstances, however, in which digital audio recordings cannot be made (*i.e. interviewing party refuses, technical failure, etc.*). In those instances, the reasons for not recording the interview should be documented in the investigative report.

There may also be occasions when it is prudent to record an adult interview via digital video recording, (DVD) however, any video recordings of those individuals 18 years of age and over will be determined on an as needed basis and based on specific factors.

In an effort to create a safe environment for victims and their families at the CUSI office, suspects should not be interviewed at the CUSI office.

EVIDENCE COLLECTION – PHYSICAL

Situations may arise when CUSI Detectives collect evidence during the course of an investigation. The following sections detail the parameters under which evidence can/should be collected and how collected evidence can/should be handled.

The Chittenden Unit for Special Investigations will maintain temporary evidence holding facilities that consist of four parts:

- ♦ **One - Evidence custodian:** Will consist of a Detective assigned by the CUSI Director. Only the evidence custodian and CUSI Director will maintain evidence storage keys and combinations to evidence storage facilities except as set forth below.
- ♦ **Two - Secured evidence storage closet:** Will consist of a location with only one access point, secured via combination lock, key lock or other locking mechanism to which only the Evidence Custodian and CUSI Director will have the combination/keys.
- ♦ **Three - Temporary evidence storage lockers/holding area:** Will be located in an area of general access by Detectives. Each locker/holding area will have a lock and one key accessible to Detectives. Duplicate keys for access to these locks/lockers/holding areas will be maintained in a secure location **ONLY** by the designated Evidence Custodian and CUSI Director.
- ♦ **Four - Temporary evidence refrigerator:** Will be located in an area of general access to Detectives. This refrigerator will be secured via a lock to which only CUSI Detectives, Evidence Custodian and CUSI Director will have the key/combination. No other CUSI personnel will be given access to the key/combination that secures the temporary evidence refrigerator.

EVIDENCE COLLECTION - SANE EXAMINATION KITS

SANE Examination Kits will that are completed by SANE Examiner shall be temporarily stored in the Fletcher Allen Health Center (FAHC) secure SANE Examination room storage refrigerator. The SANE refrigerator shall be secured by combination lock to which only SANE nurses and CUSI Detectives will have the combination.

Once a SANE examination has been completed and kit secured, CUSI will be notified that a kit is ready for pick up by a SANE nurse. Under normal circumstances, only CUSI Detectives will pick up completed SANE kits from the secure facility at FAHC. It is recognized that circumstances may arise requiring other law enforcement personnel to pick up and transport SANE kits, however, these situations will be determined on an as needed basis and documented.

The CUSI Detective will be responsible for the following:

- (1) Ensure the evidence tape/seals are intact and all corresponding information on SANE Kit has been completed by SANE nurse prior to removing kit from the Fletcher Allen Medical Center;
- (2) Properly log the transfer of custody of the SANE kit via Fletcher Allen Medical Center SANE examination room documentation;
- (3) Obtain law enforcement agency incident/case number for the SANE kit (*as dictated by location of assault*);
- (4) An evidence tag will be affixed to the kit (*corresponding to the home agency, dictated by location of assault*) and the evidence tag will be filled out completely;
- (5) A Vermont State Forensic Laboratory 305 evidence processing form (*or similar form*) for each SANE kit shall be completed;
- (6) The SANE Kit refrigerator evidence log will be completed by the Detective and the SANE kit will be secured in the locked temporary evidence refrigerator;
- (7) A CUSI database entry will be generated based on the above case number. If the kit is an "Anonymous Kit," the database entry will consist of an "Intel Only" entry. If the kit is a reported incident, the database will be completed according to information specific to the investigation, victim, suspect, etc.

If other evidence is collected by the SANE nurse (*i.e. clothing, underwear, etc.*) this evidence will be placed into a paper bag corresponding to the SANE kit. This evidence is not initially accepted by the Vermont State Forensic Laboratory and should be transported to the agency where the incident occurred (*as dictated by location of assault/case number*) as soon as practicable based of factors such as time of day, location, need for immediate analysis, etc. If this is not practicable, refer to "Evidence Collection-Other Physical Evidence" set forth below for reference.

At the earliest possible time and no longer than one (1) week, a CUSI Detective will transport any and all evidence from the temporary evidence refrigerator (*including SANE kits, swabs, etc.*) to the Vermont State Forensic Laboratory where they will be logged in for processing. All lab requests and other reports will indicate CUSI as the investigating agency.

Upon the completion of laboratory analysis, all evidence will be returned to the agency where the incident occurred (*as dictated by location of assault/case number*). As in any criminal investigation, the chain of custody will be strictly adhered to in accordance with standard police practices and the originating agency's policies and procedures.

EVIDENCE COLLECTION – OTHER PHYSICAL EVIDENCE:

Mobile processing kits are suggested and should be maintained by each department to assist the "First Responders" in the early collection of evidence. Evidence collected by CUSI Detectives during the course of an investigation via Search Warrants, Consent, etc. should be transported to the agency where the incident occurred (*as dictated by the location of assault/case number*) as soon as practicable based on factors such as time of day, location, need for immediate analysis, etc.

If this is not practicable, evidence may be temporarily stored in the CUSI temporary storage facility as set forth below:

- (1) Evidence will be collected according to evidence collection standards as set forth by the Vermont State Police Evidence Collection Manual and/or the Detectives home agency;
- (2) Collected evidence shall be sealed with evidence tape and relevant information will be documented such as Detective name, date and time of seizure, case number, item number, description of evidence, location of seizure, etc.;
- (3) Evidence tag(s) will be affixed to the item(s) corresponding to the home agency (*as dictated by location of assault*) and the evidence tag will be filled out completely;
- (4) Chain of custody form will be affixed (*Note: some departmental evidence tags contain chain of custody tracking information and will suffice*);
- (5) Evidence will be placed into the temporary evidence locker/holding area located in the CUSI office and locked. The key for the lock will be locked into the locker with the evidence;
- (6) Evidence will be logged into the CUSI temporary evidence locker log notebook.

Once evidence has been placed into the temporary evidence lockers, the CUSI Evidence Custodian shall move this evidence from the temporary lockers/holding areas to the secured evidence storage closet. This movement of evidence will be tracked by the CUSI Temporary Evidence Locker Log and CUSI Temporary Evidence Storage log. **Only** the Evidence Custodian (*or in the absence of the evidence custodian the CUSI Director*) shall access the temporary evidence lockers/holding areas and/or CUSI temporary evidence storage closet.

At the earliest possible time and after no longer than seven (7) days, a CUSI Detective will transport any and all evidence from the temporary evidence closet including bagged evidence collected during SANE examinations, to the agency where the incident occurred (*as dictated by the location of assault/case number*).

It is understood that circumstances may arise dictating that evidence be stored at CUSI for longer than the two (2) week time period as noted above (*i.e. needed for trial, forensic analysis, viewing by defense, etc.*), however, this longer term storage will be examined on a case by case basis and will be determined by the CUSI Director.

EVIDENCE COLLECTION – AUDIO/VIDEO RECORDINGS:

Digital audio recordings made in the course of an investigation should be uploaded to the CUSI server as soon as practicable. During the course of this upload, audio files should be saved in .WAV format and placed in the designated folder on the CUSI server database corresponding to year the recording was made.

CUSI will maintain these recordings indefinitely or as dictated by court order. The CUSI database will be housed on networks/servers maintained by CUSI and a dedicated back-up system will be maintained to ensure the integrity and preservation of information.

Original digital video recordings (DVD) made by CUSI Detectives in the course of an investigation will be stored at CUSI indefinitely or as dictated by court order.

Copies of the above recordings may be made at the request of the State's Attorneys Office, DCF or other requesting parties and will be granted on a case by case basis. All requests for audio/video recordings from Defense Counsel, Civil Counsel or civilians will be directed to the State's Attorneys Office and/or the Court Clerk's office for determination.

OUTREACH AND TRAINING

TRAINING OF FIRST RESPONDERS:

Each Chittenden County Police Department is requested to designate a certain number of uniformed officers to become First Responders. A multi-hour block of instruction will be provided by Detectives from CUSI to develop an understanding of the complicated issues associated with investigations that are sexual in nature and/or involve children. The following topics are included in the training:

- (a) CUSI Role and Responsibilities
- (b) DCF and Mandatory Reporting
- (c) "First Response" to Sexual Assault and Serious Child Abuse/Child Death
- (d) Issues connected to victimization
- (e) Collection and preservation of evidence
- (f) Sexual Assault Nurse Examination (SANE) Program
- (g) Vermont Sex Offender Registry

CUSI Detectives and members will conduct the training and CUSI members will work with First Responders when cases are received. The law enforcement training sessions will be offered on an ongoing basis as the need arises.

COMMUNITY OUTREACH AND EDUCATION:

CUSI and the CAC will partner with other agencies in the coordination of community outreach efforts. Examples of target audiences/topics include: School Administrators and Counselors, Drug Abuse and Resistance Education (DARE), School Resource Officers (SRO) and Internet Safety for educators, parents and K-12 students. CUSI and the CAC will also partner to provide outreach and educational efforts to institutions of higher education including the University of Vermont, St. Michaels College and Champlain College as well as providing outreach efforts to adults in the community.

The purpose of these outreach efforts is to educate adults and children regarding the dangers of sexual assault/abuse as well as the importance of reporting these offenses. Experience has shown that there is a noticeable difference in individuals who have been instructed in these areas of personal safety and those who have not. These concepts are important not only in encouraging adults and children to report incidents but also in familiarizing them with issues when they have been suspected of being victimized. Topics to be discussed at these sessions may include: General safety issues and strategies, the concept of inappropriate contact, the role of various agencies to include CUSI, CAC, DCF, SANE, etc. and where/how to report assault/abuse.

Certain school systems currently introduce a program without police involvement and other schools have an active police presence. Emphasis would be placed on each department having a designated liaison officer visit the school within each community on a regular basis. This liaison officer's efforts might play a vital role when investigators are asked to interview a child within a school system. This position may be filled by any officer who might already have a rapport within a school system, or with a particular family or child. The goal is to have a familiar member of the local police department also interact with the case.

CUSI shall also serve as a resource for all statewide law enforcement and will provide expert consultation and training to any and all agencies that request such expertise.

CUSI PARTICIPATION IN COLLABORATIVE INITIATIVES:

In addition to conducting joint investigations with the Department for Children and Families (DCF), CUSI participates in a number of initiatives with service providers and other agencies including:

- ◆ Chittenden County State's Attorney's Office
- ◆ Department for Children and Families (DCF)
- ◆ Vermont Internet Crimes Against Children Task Force (ICAC)
- ◆ Child Fatality Review Team
- ◆ Vermont Drug Endangered Children (VTDEC)
- ◆ Sexual Assault Nurse Examiner program (SANE)/Pediatric SANE program (SANE-P)
- ◆ The New England Crisis and Trauma Center
- ◆ Vermont Center for Prevention and Treatment of Sexual Abuse
- ◆ KidSafe Collaborative
- ◆ SafeSpace
- ◆ Women Helping Battered Women (WHBW)
- ◆ Women's Rape Crisis Center (WRCC)
- ◆ Women's Center at the University of Vermont
- ◆ Parents Against Violence
- ◆ Spectrum Youth Services
- ◆ Baird Center for Children and Families
- ◆ Vermont Refugee Resettlement Program (VRRP)
- ◆ First Call for Children, Youth and Families
- ◆ Howard Center for Human Services
- ◆ Chittenden Child Protection Team
- ◆ Drug Endangered Children Team
- ◆ Prevent Child Abuse Vermont

EXECUTIVE SUMMARY

Charlotte, North Carolina – Requirements Related to Sex Crimes and Offenders

Introduction

North Carolina statutory authority imposes certain requirements (the “Statutory Requirements”) that apply to the Charlotte-Mecklenburg Police Department (“CMPD”) with regard to the handling of reports of sex offenses. North Carolina’s sex offender registration system (the “Registry Requirements”), however, does not impose substantial requirements on local law enforcement agencies such as the CMPD. Also, the Sexual Assault Unit (the “Unit”) of the CMPD is required to conform to policies outlined in its written policy (the “Department Policy”).

State Law Requirements

The Registry Requirements establish a sex offender registry which requires persons convicted of sex offenses or certain other offenses against minors to register with law enforcement agencies. The Registry Requirements also require the exchange of information about offenders among law enforcement agencies and authorize access to certain information about the offenders. The system imposes obligations on the offenders, the court system, the Division of Criminal Information of the Department of Justice, and county sheriffs. The Registry Requirements do not impose substantial requirements on local law enforcement agencies such as the CMPD.

The Statutory Requirements require the sending of all registration information to local law enforcement agencies such as the CMPD. The Statutory Requirements impose several requirements on local law enforcement agencies such as the CMPD with regard to the preservation of any physical evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution.

Local Requirements

The CMPD’s Department Policy for the Unit outlines the responsibilities of members of the Unit as well as policies and practices of the Unit with regard to the retention and disposition of cases and evidence related to sexual assault cases.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Comparison of Requirements for Charlotte-Mecklenburg Police Department and Cleveland Division of Police

Like Ohio, North Carolina does not impose substantial requirements on local law enforcement agencies. Rather, the Registry Requirements impose requirements on county sheriffs and other law enforcement agencies that may interact with local law enforcement agencies with respect to sex offender registration issues. Also of note, North Carolina does not currently follow the Adam Walsh Act's three-tiered approach for categorizing sex offenders, whereas Ohio does.

Unlike Ohio, North Carolina's Statutory Requirements mandate local law enforcement agencies to take certain measures with respect to the preservation of physical evidence likely to contain biological evidence.

The CMPD has some unique policies in place with respect to handling reports of sex crimes and the functioning of the Unit generally. The Department Policy makes a point of requiring officers to display empathy and patience. It also espouses a specific approach to policing, Community Problem Oriented Policing, which requires officers to interact actively with individuals, groups, and organizations of the community to solve crimes. Also, the CMPD has a policy with respect to the length of time during which victims must be contacted (within five days). Also of note, the CMPD requires that files of cases that have been closed or cleared remain in a secure space for at least three years. Finally, CMPD has a case designation system. Cases are categorized under the following labels: "Open/Active," "Open/Inactive," "Cleared by Arrest," "Exceptionally Cleared," or "Unfounded."

SUMMARY

Charlotte, North Carolina – Requirements Related to Sex Crimes and Offenders

Background Information on Charlotte and the Charlotte-Mecklenburg Police Department

The population of Charlotte is 687,465, though the population served by the Charlotte-Mecklenburg Police Department (“CMPD”), police for all of Mecklenburg County, is 758,769. See Crime in the United States, 2008, an FBI report available online. The CMPD consists of 1,637 police officers. Id. In 2008, the CMPD received 1,183 calls reporting sex crimes, and knew of 299 (272 actual, 27 attempted) instances of rape or attempted rape. See CMPD 2009 Year-to-Date Summary. In 2009, the CMPD received 1,153 calls reporting sex crimes, and knew of 266 (245 actual, 21 attempted) instances of rape or attempted rape. Id.

Sources of Authority Regarding Charlotte-Mecklenburg Police Department Requirements Related to Sexual Offenses

There are two sources of authority that establish the requirements that the CMPD must comply with in relation to sexual offenses: (1) statutory requirements imposed by the North Carolina General Statutes (the “Statutory Requirements”), and (2) the CMPD Sexual Assault Unit Written Policy (the “Department Policy”). Though requirements imposed generally by the state’s sex offender registration (the “Registry Requirements”) are detailed below, the sex offender registration program does not impose any substantial requirements on the CMPD. All sources referenced in this Summary are attached.

North Carolina General Statutes Registry Requirements

The Registry Requirements establish a sex offender registry which requires persons convicted of sex offenses or certain other offenses against minors to register with law enforcement agencies. The Registry Requirements establish stricter registration requirements for individuals determined to be sexually violent predators. The Registry Requirements also require the exchange of information about offenders among law enforcement agencies and authorize access to certain information about the offenders. The system imposes obligations on the offenders, the court system, the Division of Criminal Information of the Department of Justice (“the Division”), and county sheriffs.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

I. Who Qualifies as a Sex-Offender

The Registry Requirements apply to North Carolina state residents, nonresident students,¹ and nonresident workers² who have been convicted³ of sexually violent offenses.⁴ (N.C.G.S. § 14-208.6A).

Sexually violent offenses are defined as follows:

- First degree rape (N.C.G.S. 14-27.2)
- Rape of a child (adult offender) (N.C.G.S. 14-27.2A)
- Second degree rape (N.C.G.S. 14-27.3)
- First degree sexual offense (N.C.G.S. 14-27.4)
- Sex offense with a child (adult offender) (N.C.G.S. 14-27.4A)
- Second degree sexual offense (N.C.G.S. 14-27.5)
- Sexual battery (N.C.G.S. 14-27.5A)
- Attempted rape or sexual offense (N.C.G.S. 14-27.6)
- Intercourse and sexual offense with certain victims (N.C.G.S. 14-27.7)
- Statutory rape or sexual offense of person who is 13, 14, or 15 years old (defendant at least six years older) (N.C.G.S. 14-27.7A(a))
- Subjecting or maintaining a person for sexual servitude (N.C.G.S. 14-43.13)
- Incest between near relatives (N.C.G.S. 14-178)
- Employing or permitting minor to assist in offenses against public morality and decency (N.C.G.S. 14-190.6)
- Felonious indecent exposure (N.C.G.S. 14-190.9(a1))
- First degree sexual exploitation of a minor (N.C.G.S. 14-190.16)
- Second degree sexual exploitation of a minor (N.C.G.S. 14-190.17)
- Third degree sexual exploitation of a minor (N.C.G.S. 14-190.17A)

¹ A nonresident student is a person who is not a resident of North Carolina but who is enrolled in any type of school in the state on a part-time or full-time basis. (N.C.G.S. § 14-208.6).

² A nonresident worker is a person who is not a resident of North Carolina but who has employment or carries on a vocation in the state on a part-time or full-time basis for more than 14 days or for an aggregate period exceeding 30 days in a calendar year. (N.C.G.S. § 14-208.6).

³ The conviction must be final. (N.C.G.S. § 14-208.6). A conviction for a crime committed in another state or in a federal jurisdiction is a conviction for purposes of this statute if the crime is substantially similar to a crime on the list of sexually violent offenses. (N.C.G.S. § 14-208.6).

⁴ Note also that North Carolina (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

- Promoting prostitution of a minor (N.C.G.S. 14-190.18)
- Participating in the prostitution of a minor (N.C.G.S. 14-190.19)
- Taking indecent liberties with children (N.C.G.S. 14-202.1)
- Solicitation of child by computer or certain other electronic devices to commit an unlawful sexual act (N.C.G.S. 14-202.3)
- Taking indecent liberties with a student (N.C.G.S. 14-202.4(a))
- Commit or permit act of prostitution with or by a juvenile (parent or caretaker) (N.C.G.S. 14-318.4(a1))
- Commission or allowing of sexual act upon a juvenile by parent or guardian (N.C.G.S. 14-318.4(a2))
- A solicitation or conspiracy to commit any of the above offenses
- Aiding and abetting any of the above offenses

(N.C.G.S. § 14-208.6).

For an individual to be classified as a sexual predator, the following events must occur:

- 1) After an individual is charged by indictment or information with the commission of a sexually violent offense, the district attorney must use his or her discretion to seek classification of the offender as a sexually violent predator upon conviction. The district attorney must file a notice of this intent with the court.
- 2) The court must order a presentence investigation, to be conducted by a board of at least four experts, two of whom must be experts in the field of the behavior and treatment of sexual offenders, one of whom must be a victims rights' advocate, and one of whom must be a representative of a law enforcement agency.
- 3) The court must hold a sentencing hearing, where the court must take into account the report created by the board of experts. The court must make written findings that the victim is a sexually violent predator.

(N.C.G.S. § 14-208.20). The sex offender registration program imposes the same stricter requirements on recidivists⁵ and people convicted of an aggravated offense.⁶ (N.C.G.S. § 14-208.6A).

⁵ "Recidivist" is defined as a person who has a prior conviction for the sexually violent offenses falling under the statute or aiding and abetting in the commission of one of these offenses.

⁶ "Aggravated offense" is defined as any criminal offense that includes either of the following: i) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence; or ii) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

II. Registration

A. *Initial Registration*

A sex offender who is a North Carolina resident and has a reportable conviction must maintain registration with the sheriff in the county in which the person resides. (N.C.G.S. § 14-208.7). If the sex offender is a current resident of North Carolina, the person must register within three days of release from a penal institution or arrival in a county to live, or immediately upon conviction for a reportable offense where an active term of imprisonment was not imposed. Id. A new resident of North Carolina must register within three days of establishing residence. Id. A nonresident student or a nonresident worker who has a reportable conviction, or is required to register as a sex offender in another state, is required to maintain registration with the sheriff of the county where the person works or attends school. Id.

B. *Prerelease Notification*

At least ten days, but not earlier than 30 days, before a person who will be subject to registration is due to be released from a penal institution, an official of the penal institution shall do all of the following:

- Inform the person of their duty to register and require the person to sign a written statement that they were so informed, or, if they refuse, certify that the person was so informed;
- Obtain the required registration information as well as the address where the person expects to reside upon release; and
- Send the Division and the sheriff of the county in which the person expects to reside the registration information collected as well as the expected address

(N.C.G.S. § 14-208.8).

C. *Registration Form – Duties of Sheriff*

The Division must provide each sheriff with forms for registering sex offenders. (N.C.G.S. § 14-208.7). The registration form requires the offender to disclose a variety of personal information. The form must include:

- The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, driver's license number, and home address
- The type of offense for which the person was convicted, the date of conviction, and the sentence imposed
- A current photograph taken by the sheriff, without charge, at the time of registration

- The person's fingerprints taken by the sheriff, without charge, at the time of registration
- A statement indicating whether the person is a student or expects to enroll as a student within a year of registering (if the person expects to enroll, they must provide the name and address of the educational institution)

Id. The sheriff retains the original registration form and other information collected and compiles the information that is a public record into a county registry. Id. Any person who must register is required to report in person at the appropriate sheriff's office, where they are provided with written proof of registration. Id.

D. Additional Requirements for Sexually Violent Predators, Recidivists, and Sex Offenders Convicted of Aggravated Offenses

In addition to the above requirements, sexually violent predators, recidivists, and sex offenders convicted of aggravated offenses must send the sheriff, in the same manner prescribed above, identifying factors, offense history, and documentation of any treatment received by the person for the person's mental abnormality or personality disorder. (N.C.G.S. § 14-208.21; N.C.G.S. § 14-208.22). The Department of Corrections must obtain the same information and include it in the prerelease notice forwarded to the sheriff or other appropriate law enforcement agency. (N.C.G.S. § 14-208.22).

III. Periodic Verification of Registration

A. Frequency of Verification

Registrants must indicate whether they live at the same address, indicate a new address if applicable, indicate whether they still use or intend to use any online identifiers, and provide a new photograph if the sheriff thinks the photo on record is no longer accurate. (N.C.G.S. § 14-208.9A). Registrants not subject to the stricter registration requirements must verify their registration semiannually. Id. Every year on the anniversary of a person's initial registration date, and again six months after that date, the Division must mail a nonforwardable verification form to the last reported address of that person. Id. The sex offender must return the verification form in person to the sheriff within three business days after the receipt of the form. Id.

The information in the county registry must be verified by the sheriff for each registrant who is a recidivist, who is convicted of an aggravated offense, or who is classified as a sexually violent predator every 90 days after the person's initial registration date. (N.C.G.S. § 14-208.24).

B. Failure to Verify

If an offender fails to verify his registration in person within three business days after receipt of the form, the offender is guilty of a Class F felony. (N.C.G.S. § 14-208.11).

IV. Notice of Changes

If the offender moves to a new county, the offender must report to the new sheriff not later than 10 days after the change of address. (N.C.G.S. § 14-208.9). An offender must provide notice of a new address within three business days after the change to the sheriff of the county with which the offender last registered. Id. Upon receipt of this notice, the sheriff must forward this information to the Division, who then must inform the sheriff of the new county of the person's new residence. Id.

If an offender intends to move to another state, the offender must report in person to the sheriff of the county of current residence at least three business days before the date the offender intends to leave the state. Id. The offender must provide the sheriff with the new address information. Id. The sheriff must immediately forward this information to the Division. Id.

If an offender changes his or her academic status or employment status at an institution of higher education, the offender must, within three business days, report in person to the sheriff of the appropriate county and provide written notice. Id. The sheriff must immediately forward this information to the Division. Id.

An offender is required to register changes of online identifier (e-mail address, instant messaging screen name, etc.) within 10 business days of the change by reporting in person to the sheriff of the appropriate county. Id. The sheriff must immediately forward this information to the Division. Id.

V. Length of Duty to Register, Termination of Registration Requirements

Offenders not subject to the stricter registration requirements are required to maintain registration for 30 years. (N.C.G.S. § 14-208.6A). Ten years from the date of initial county registration, an offender may petition the superior court in the district where the offender resides to terminate the 30 year registration requirement. (N.C.G.S. § 14-208.12A).

Offenders classified as sexually violent predators, recidivists, and people convicted of an aggravated offense are subject to lifetime registration. (N.C.G.S. § 14-208.23). The only circumstance under which these offenders can be relieved of their requirement to register is if the conviction requiring registration is reversed, vacated, or set aside, or if the registrant has been granted an unconditional pardon of innocence. (N.C.G.S. § 14-208.6C).

North Carolina General Statutes Statutory Requirements

I. Police Information Network and Statewide Registry

Pursuant to the Statutory Requirements, the Division must include sex offender registration information in the Police Information Network. (N.C.G.S. 14-208.13). Among other responsibilities, the Division is required to provide all need-to-know law enforcement agencies, which includes the CMPD, with any of the following: registration information, a

prerelease notification, a change of address, a change of academic or educational employment status, or notice of a violation of the statute. (N.C.G.S. § 14-208.14).

II. Preservation of Biological Evidence

North Carolina statutory authority imposes some requirements on the CMPD related to the preservation of biological evidence⁷. As a custodial agency, the CMPD is required to preserve any physical evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution. (N.C.G.S. 15A-268). Evidence must be preserved in a manner reasonably calculated to prevent contamination or degradation of any biological evidence that might be present, subject to a continuous chain of custody, and securely retained with sufficient official documentation to locate the evidence. Id. As a law enforcement agency, the CMPD is required to ensure that the guidelines published by the North Carolina State Bureau of Investigation with respect to the retention and preservation of biological evidence are distributed to all employees with responsibility for maintaining custody of evidence. Id.

The CMPD, as a custodial agency, must prepare an inventory of biological evidence relevant to a defendant's case if the defendant makes a written request for the inventory. Id.

Charlotte-Mecklenburg Police Department Policy

The CMPD's Department Policy for the Sexual Assault Unit (the "Unit") outlines the policies and practices of the Unit with regard to the retention and disposition of cases and evidence related to sexual assault cases. The Unit is responsible for the investigation of sexual assaults and rapes of victims 16 years of age or older. The stated mission of the Unit is to "properly investigate, identify and apprehend any and all suspects, and to ensure proper investigation through the quality and integrity of the investigation." The Unit makes a point of requiring empathy, patience, and unbiased attitudes from its officers.

I. Investigative Procedures and Case Management

- Detectives must review all cases upon assignment.
- Detectives must review reports of evidence submitted. If written reports are not available, the investigator can review the evidence submitted by computer.
- Detectives must contact or attempt to contact victim within 5 working days. Contact attempts should be document.
- Detectives must respond to the following situations:

⁷ Defined as "the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingerprints, or other identifiable human biological material that may reasonably be used to incriminate or exculpate any person in the criminal investigation, whether that material is catalogued separately on a slide or swab, in a test tube, or some other similar method, or is present on clothing, ligatures, bedding, other household materials, drinking cups, cigarettes, or any other item of evidence."

- When assigned by a unit supervisor
- When directed by the Watch Commander
- When immediate follow-up is necessary
- High profile cases that may generate unusual media or public interest
- When it serves the best interest of the police department
- Unit detectives may be assigned to other Criminal Bureau of Investigation investigations due to manpower shortages or at the direction of a unit supervisor.
- Follow-up investigation case procedures should include the following when applicable:
 - Review of the preliminary investigation conducted by the reporting officer.
 - Attempts to locate, identify, and interview all victims and witnesses.
 - Attempts to interview any and all suspects. If a suspect is identified, a background investigation should be conducted to include arrest histories and other reported offenses.
 - Prepare and conduct photo and/or body lineups as needed.
 - Ensure collection and analysis of physical evidence.
 - Detectives must present the completed case to the Unit supervisor, who will review papering packets to ensure that they are in the proper format, contain necessary documentation and that elements of specified offenses are supported by evidence.
 - The Unit supervisor will approve papering packets by signature or recommend further investigation be conducted before presentation to the District Attorney's Office.
 - Detectives must present the case, including officer notes, to the Papering District Attorney in a logical and orderly manner.
 - Detectives must maintain a case log for all cases assigned to them and ensure that it is readily available to other detectives in the unit.
 - The Unit should maintain ongoing communications with patrol and other departmental units to provide feedback, training, and to generate requests for information regarding current or past suspects and cases.
 - The Unit supervisor should be informed of any conflicts, problems, or significant issues discovered in any investigation that would warrant correction.
 - Apply for and obtain all necessary court orders.

- Complete property dispositions in accordance with Department Policy. Case investigation should be properly documented within 15 days of assignment.
- Prepare briefings for the chain of command and/or the Chief of Police regarding crime trend analysis and problem solving initiatives conducted by the Unit when requested.

II. Case Status

The Unit employs a case designation system. If a case is designated “Open/Active,” a detective is actively involved in investigating leads and working towards case closure. If a case is designated “Open/Inactive,” a detective has exhausted all leads and there is little probability that additional information or evidence will become available. If a case is designated “Cleared by Arrest,” the suspect has been arrested and charged with the commission of the offense or turned over to the court for prosecution in state or federal court. If a case is designated “Unfounded,” investigation has revealed the crime did not occur. A case is designated “Exceptionally Cleared” when the investigation has definitely established the identity of the offender, there is enough information to support an arrest, the exact location of the offender is known so the subject can be taken into custody, and there is some reason outside of the control of law enforcement that precludes charging, arresting and prosecuting the offender.

III. Record Retention

All cleared/closed cases must be maintained in a secure file area for three years or until all appeals have been exhausted. Major and/or infamous cases, whether open or closed, must be maintained indefinitely at the discretion of the Unit supervisor. Other cases older than three years are archived in accordance with Department Policy. Evidence is continually evaluated as to its value and need for retention and disposed of when appeals are exhausted or prosecution is no longer possible.

IV. Call Back

Detectives are on a rotating call back schedule as directed by the sergeant. The on call sergeant must be available via the 24 hour pager and respond to after hour calls. The on call sergeant must assess each call for assistance and determine the appropriate response based on the facts presented. The on call detective(s) must be notified upon approval of the on call sergeant.

V. Working Relationships and Partnerships

Detectives are required to maintain an effective working relationship with and provide support to service areas through personal contact, roll calls, e-mails, and community meetings on a continual basis. Open communications with other investigative units as well as internal and external support units or agencies must be maintained by detectives at all times. Also, detectives must maintain proper police and press relationships regarding release of information consistent with Departmental Policy.

Comparison of Requirements for Charlotte-Mecklenburg Police Department and Requirements for Cleveland Division of Police

Like Ohio, North Carolina does not impose substantial requirements on local law enforcement agencies. Rather, the Registry Requirements impose requirements on county sheriffs and other law enforcement bodies that may interact with local law enforcement agencies with respect to sex offender registration issues. Also of note, North Carolina does not currently follow the Adam Walsh Act's three tiered approach for categorizing sex offenders, whereas Ohio does.

Unlike Ohio, North Carolina's statutory authority imposes requirements on local law enforcement agencies with respect to the preservation of physical evidence likely to contain biological evidence. The CMPD must also ensure that guidelines promulgated by the North Carolina State Bureau of Investigation with respect to evidence preservation are followed.

The CMPD has some unique policies in place with respect to handling reports of sex crimes and the functioning of the Sex Assault Unit generally. The Department Policy makes a point of requiring officers to display empathy and patience. It also espouses a specific approach to policing, Community Problem Oriented Policing, that requires officers to interact actively with individuals, groups, and organizations of the community to solve crimes. Also, the CMPD has a policy with respect to the length of time during which victims must be contacted (within five days). Also of note, the CMPD requires that files of cases that have been closed or cleared remain in a secure space for at least three years. Finally, CMPD has a case designation system. Cases are categorized under the following labels: "Open/Active," "Open/Inactive," "Cleared by Arrest," "Exceptionally Cleared," or "Unfounded."

	Sexual Assault Unit <i>Standard Operating Procedure</i>		1 of 6
Effective Date	12/03/04		



Charlotte-Mecklenburg Police Department

I. Statement of Purpose

This procedure outlines the responsibilities, duties and job tasks of the department's Sexual Assault Unit and its personnel. It also provides a guide for the retention and disposition of cases and evidence related to sexual assault cases.

II. Policy

The Sexual Assault Unit is responsible for the investigation of sexual assaults and rapes of victims 16 years of age or older. The mission of the unit is to properly investigate, identify and apprehend any and all suspects, and to ensure proper investigation through the quality and integrity of the investigation. The Sexual Assault Unit will take a proactive approach to the investigation of sexual assault cases utilizing many different problem solving techniques and models in an effort to prevent the next crime. Furthermore, due to the nature of the crime, the persons assigned to this unit must display empathy, patience, and unbiased attitudes.

III. Procedure

A. Sergeant's Responsibilities

The sergeant assigned to the Sexual Assault Unit will supervise the unit and all officers assigned within to ensure that the objectives of the unit are conducted in an efficient and competent manner. The sergeant will ensure compliance with departmental rules, regulations, procedures and directives. The problem solving philosophy of Community Policing will be reinforced continually during the investigative process.

The Sergeant assigned to the Sexual Assault Unit will maintain a team building approach with the members of the unit as well as other divisions within the Charlotte Mecklenburg Police Department.

Additional duties and responsibilities include but are not limited to:

1. Review and assign cases, problems and complaints to the detectives within the unit.
2. Ensure that follow-up reporting due dates are met by the detectives.
3. Review follow-up reports for appropriate case status classification.
4. Manage special investigations as assigned by the Captain, Major or Deputy Chief of Bureau.

	Sexual Assault Unit <i>Standard Operating Procedure</i>		2 of 6
Effective Date	12/03/04		

5. Ensure all necessary administrative documentation for the unit is current including:
 - a. Employee Time Records
 - b. Unit Shift Lineups
 - c. Court Subpoenas
 - d. Performance Appraisals
 - e. Search and Raid Reports
 - f. Vehicle Assignments
 - g. Internal and disciplinary investigations
6. Continuously monitor the quality of the investigations and assess the training needs of the unit to enhance unit performance.
7. Monitor the activities of the unit by participating in problem solving initiatives and case reviews.
8. Maintain open channels of communications between officers, superiors and other divisions within the police department.
9. Maintain open channels of communication with the District Attorney's Office and victim services providers.
10. Maintain and review cases for the detection of comparable trends.
11. Maintain a proper police and press relationship regarding release of information consistent with departmental policy.
12. Report on any major, significant, or high profile cases to the chain of command as requested.
13. Periodically conduct an interview and selection process to fill any vacancies in the unit and maintain a list of qualified candidates for future positions.
14. Provide training to unit detectives in the appropriate use of interview rooms and procedures for utilizing temporary restraining devices.
15. Prepare briefings for the chain of command and/or the Chief of Police regarding crime trend analysis and problem solving initiatives conducted by the unit when requested.
16. At the direction of the Division Captain, the sergeant may be given the authority to act in place of the captain during the captains' absence.

	Sexual Assault Unit Standard Operating Procedure		3 of 6
Effective Date	12/03/04		

B. Detective's Responsibilities

1. Officers will be assigned to the Sexual Assault Unit after the completion of a selection process designed to fill unit vacancies. Officers will retain the title "Officer" until they have successfully completed a Probationary Sexual Assault Detective Field Training Curriculum under the supervision of a designated veteran unit detective. Upon successful documented completion, they will be given the designation "Detective" while maintaining the Civil Service and pay grade designation of "Police Officer".
2. Working hours will normally be from 0730-1600 hours (1st shift) and 1430-2300 hours (2nd shift). Detectives will rotate shifts at the direction of their immediate supervisors and hours may be changed based on the need of the unit.
3. All hours worked by a detective will be documented on an employee weekly timecard and filled out daily.
4. Compensation time, schedule adjustment, vacation and sick leave will be in accordance with Departmental policy.
 - a. Detectives will be familiar with and adhere to the call back procedure outlined in section IV below:
 - b. No overtime will be worked without prior notification from the employee's supervisor. For overtime considerations the employee's supervisor will determine whether schedule adjustment of overtime payment is received.
 - c. Detectives will attend court as directed by subpoena and in accordance with Departmental policy.
 - d. Normal dress will be business attire, in accordance with Departmental policy. Alternative dress may be worn for surveillance, searches and raids, and undercover operations must be approved by the supervisor.

C. Investigative Technician's Responsibilities

1. Maintain case management files
2. Conduct research as requested by supervisor
3. Complete offense and supplement reports
4. Complete special assignments as directed by immediate supervisor or Chain of Command
5. Complete monthly and annual statistical reports
6. Comply with all Departmental rules, regulations and directives
7. Be a point of contact in the absence of the unit supervisor

IV. Investigative Procedures and Case Management

- A. Detectives will review all cases upon assignment.
- B. Detectives will review reports of evidence submitted. If written reports are not available

	Sexual Assault Unit <i>Standard Operating Procedure</i>		4 of 6
Effective Date	12/03/04		

the investigator can review the evidence submitted by computer.

- C. Detectives will contact or attempt to contact victim within five (5) working days. Contact attempts should be documented.
- D. Crime Scene response by detective.
 - 1. When assigned by a unit supervisor
 - 2. When directed by the Watch Commander
 - 3. When immediate follow-up is necessary
 - 4. High profile cases that may generate unusual media or public interest
 - 5. When it serves the best interest of the police department
- E. Unit detectives may be assigned to other CIB. investigations due to manpower shortages or at the direction of a unit supervisor.
- F. Follow up investigation case procedures should include the following when applicable:
 - 1. Review of the preliminary investigation conducted by the reporting officer.
 - 2. Attempts to locate, identify, and interview all victims and witnesses.
 - 3. Attempts to interview any and all suspects. If a suspect is identified, a background investigation will be conducted to include arrest histories and other reported offenses.
 - 4. Prepare and conduct photo and/or body lineups as needed.
 - 5. Ensure collection and analysis of physical evidence.
 - 6. Detectives will present the completed case to the unit supervisor who will review papering packets to ensure that they are in the proper format, contain necessary documentation and that elements of specified offenses are supported by evidence.
 - 7. The unit supervisor will approve papering packets by signature or recommend further investigation be conducted before presentation to the District Attorney's Office.
 - 8. Detectives will present the case, including officer notes, to the Papering District Attorney in a logical and orderly manner.
 - 9. Detectives will maintain a case log for all case assigned to them and ensure that it is readily available to other detectives in the unit.
 - 10. Maintain ongoing communications with patrol and other departmental units to provide feedback, training, and to generate requests for information regarding

	Sexual Assault Unit <i>Standard Operating Procedure</i>		5 of 6
<i>Effective Date</i>	12/03/04		

current or past suspects and cases.

11. Inform the unit supervisor of any conflicts, problems, or significant issues discovered in any investigation that would warrant correction.
12. Apply for and obtain all necessary court orders.
13. Complete property dispositions in accordance with department policy. Case Investigation will be properly documented in supplement form within fifteen days of assignment.
14. Prepare briefings for the chain of command and/or the Chief of Police regarding crime trend analysis and problem solving initiatives conducted by the Unit when requested.

G. Case Status

1. Open/Active: A Detective is actively involved in investigating leads and working towards case closure.
2. Open/Inactive: A Detective has exhausted all leads and there is little probability that additional information or evidence will become available.
3. Cleared by Arrest: The suspect is arrested and charged with the commission of the offense or turned over to the court for prosecution in state or federal court.
4. Exceptionally Cleared: Before a case can be exceptionally cleared the following UCR guidelines must be met:
 - a. The investigation definitely establishes the identity of the offender.
 - b. There is enough information to support an arrest.
 - c. The exact location of the offender is known so the subject could be taken into custody.
 - d. There is some reason outside of the Law Enforcement control that precludes charging, arresting and prosecuting the offender (see UCR guidelines).
5. Unfounded: The investigation reveals the crime did not occur.

V. Record Retention

- A. All cleared/closed cases will be maintained in a secure file area for three years or until all appeals have been exhausted.
- B. Major and/or infamous cases, whether open or closed will be maintained indefinitely at the discretion of the unit supervisor.

	Sexual Assault Unit <i>Standard Operating Procedure</i>		6 of 6
<i>Effective Date</i>	12/03/04		

- C. Other cases older than three years will be archived in accordance with the current department policy.
- D. Evidence will be continually evaluated as to its value and need for retention and disposed of when appeals are exhausted or prosecution is no longer possible.

VI. Call Back

Detectives will be on a rotating callback schedule as directed by the sergeant. The Sexual Assault Unit's call back schedule will be provided to Communications and the Watch Commanders Office by being posted in the CMPD Public Folders through the following path: PublicFolders/CMPD/Communications/Lineups/InvestigativeLineups/CrimeagainstPersons/SAU/MonthlyCallBack.

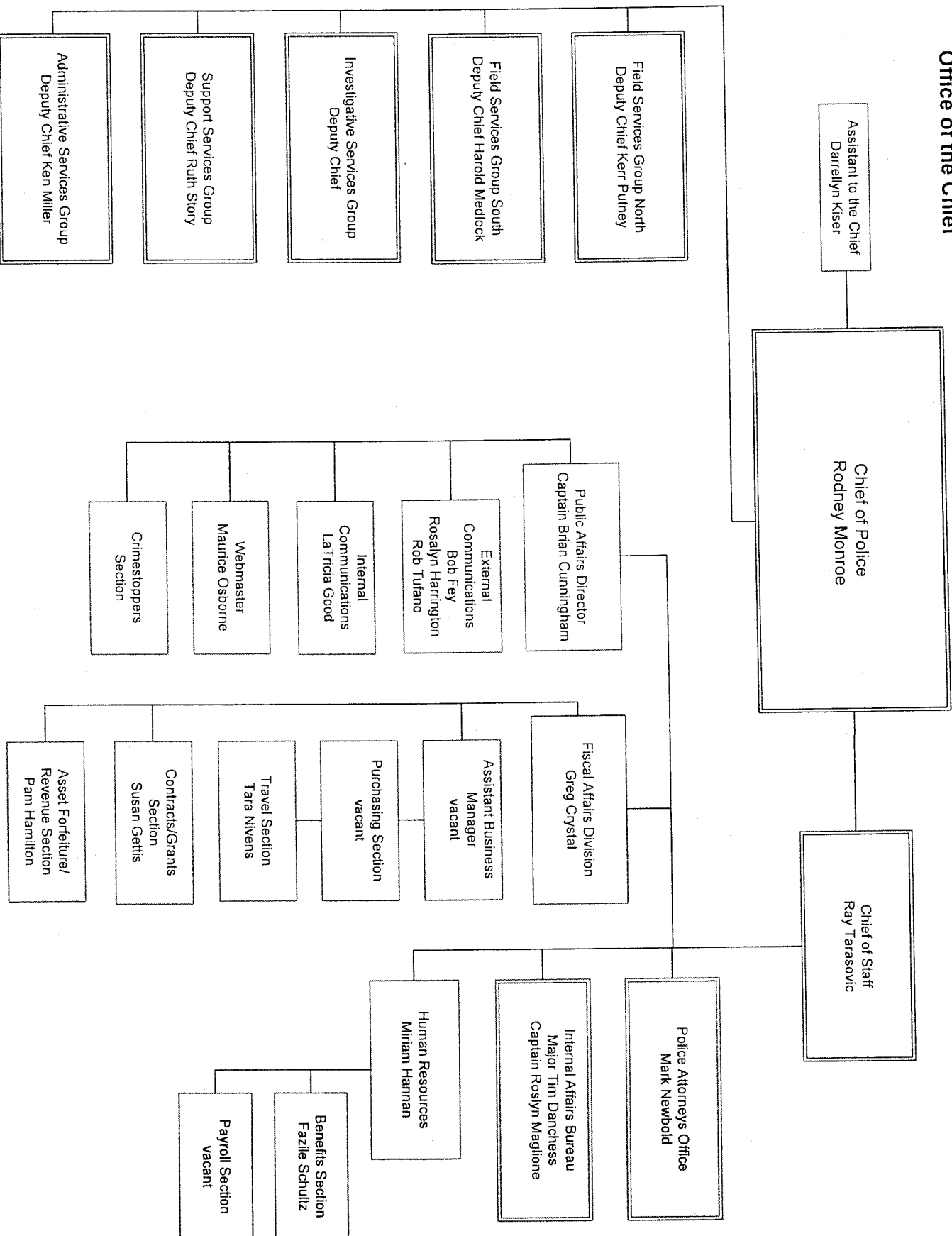
The on call sergeant will be contacted by the 24 hour pager and respond to after hour calls. The on call sergeant will assess each call for assistance and determine the appropriate response based on the facts presented. The on call detective(s) will be notified upon approval of the on call sergeant.

VII. Working Relationships and Partnerships

The SARA model will be utilized by the Sexual Assault Unit in its daily approach to investigations while striving to integrate Community Problem Oriented Policing.

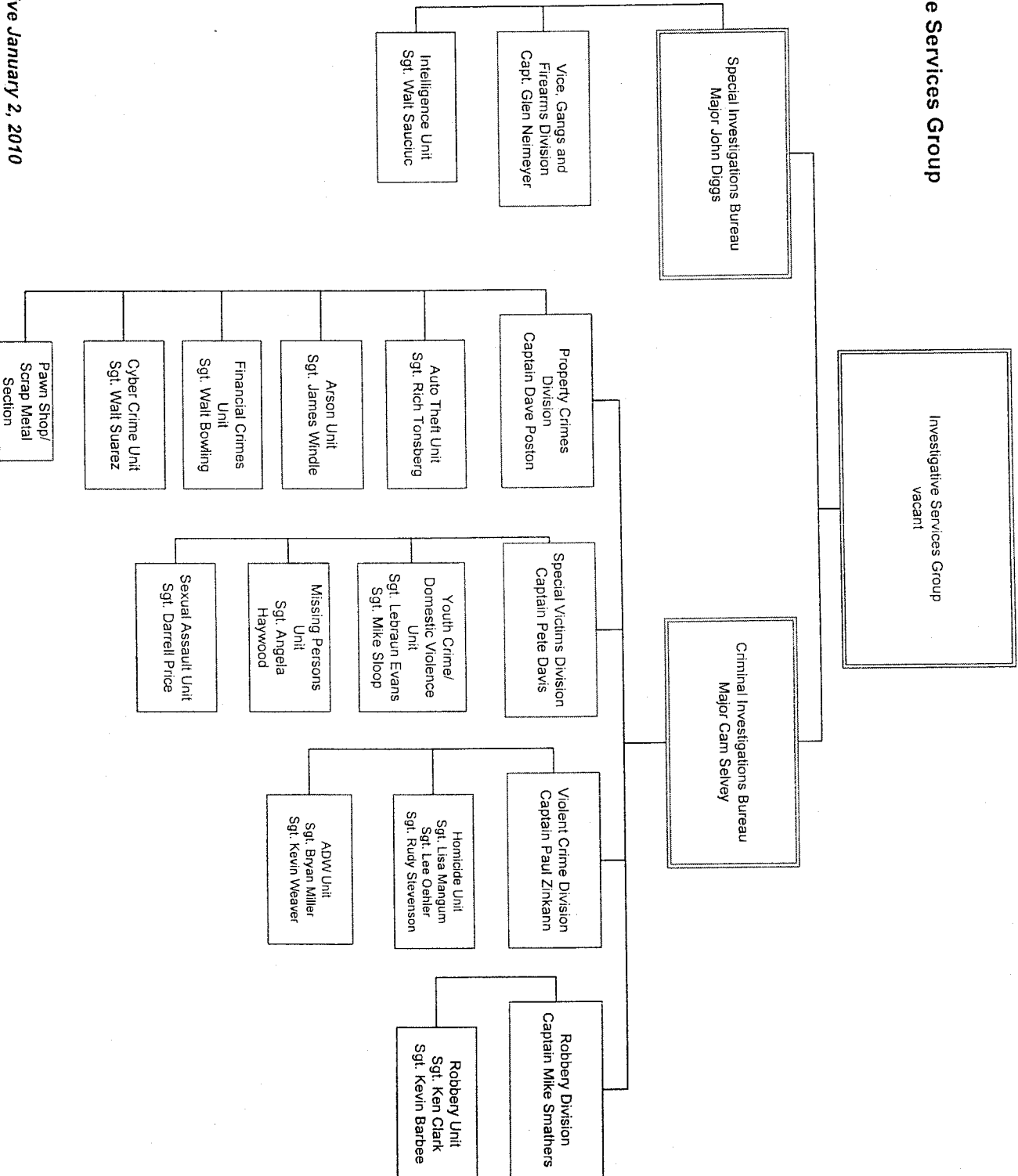
- A. Detectives will maintain an effective working relationship with and provide support to service areas through personal contact, roll calls, e-mails, and community meetings on a continual basis.
- B. Detectives will maintain open communications with other investigative as well as internal and external support units or agencies.
- C. Detectives will maintain proper police and press relationships regarding release of information consistent with Departmental policy.

Office of the Chief



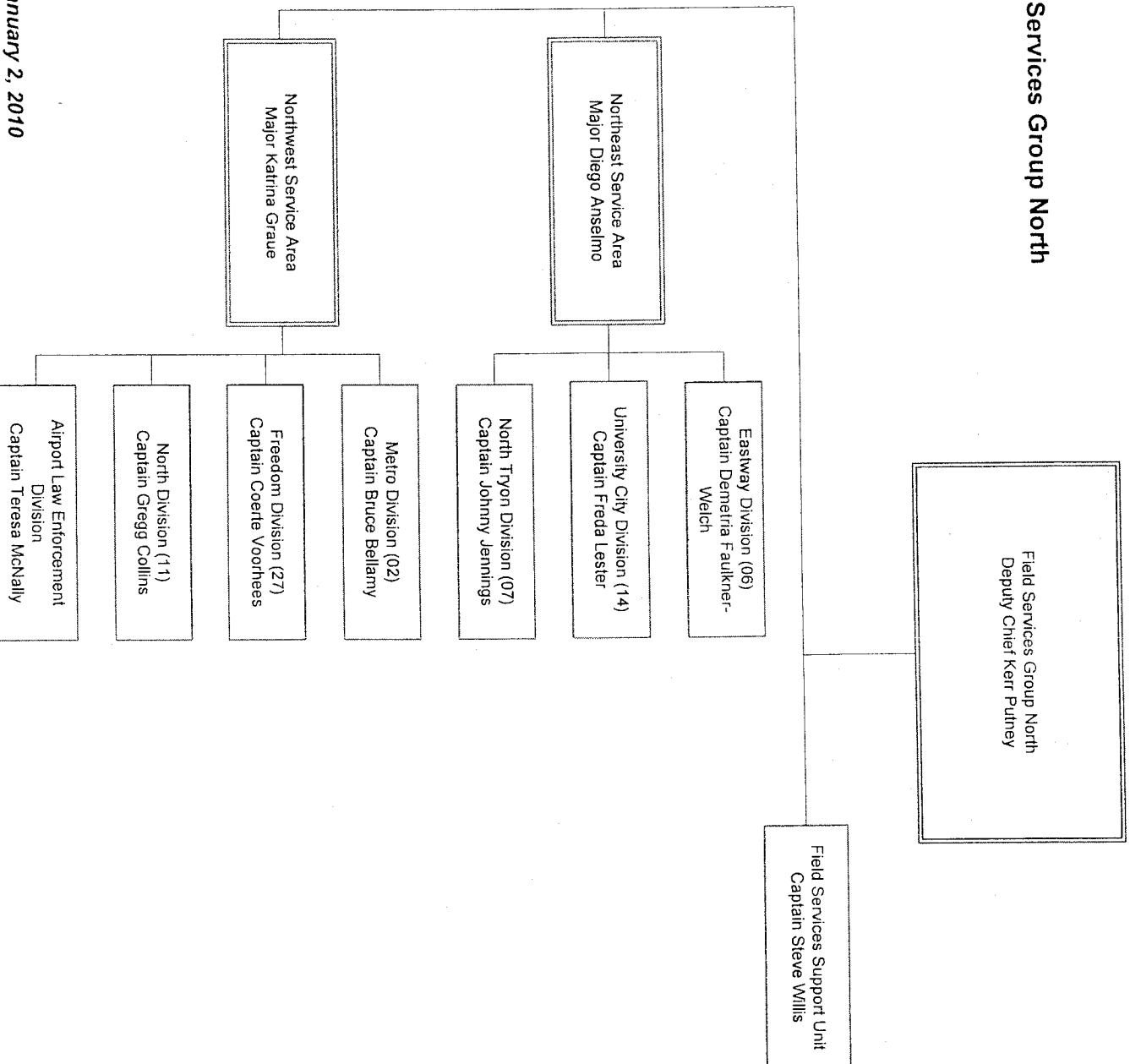
Effective January 2, 2010

Investigative Services Group



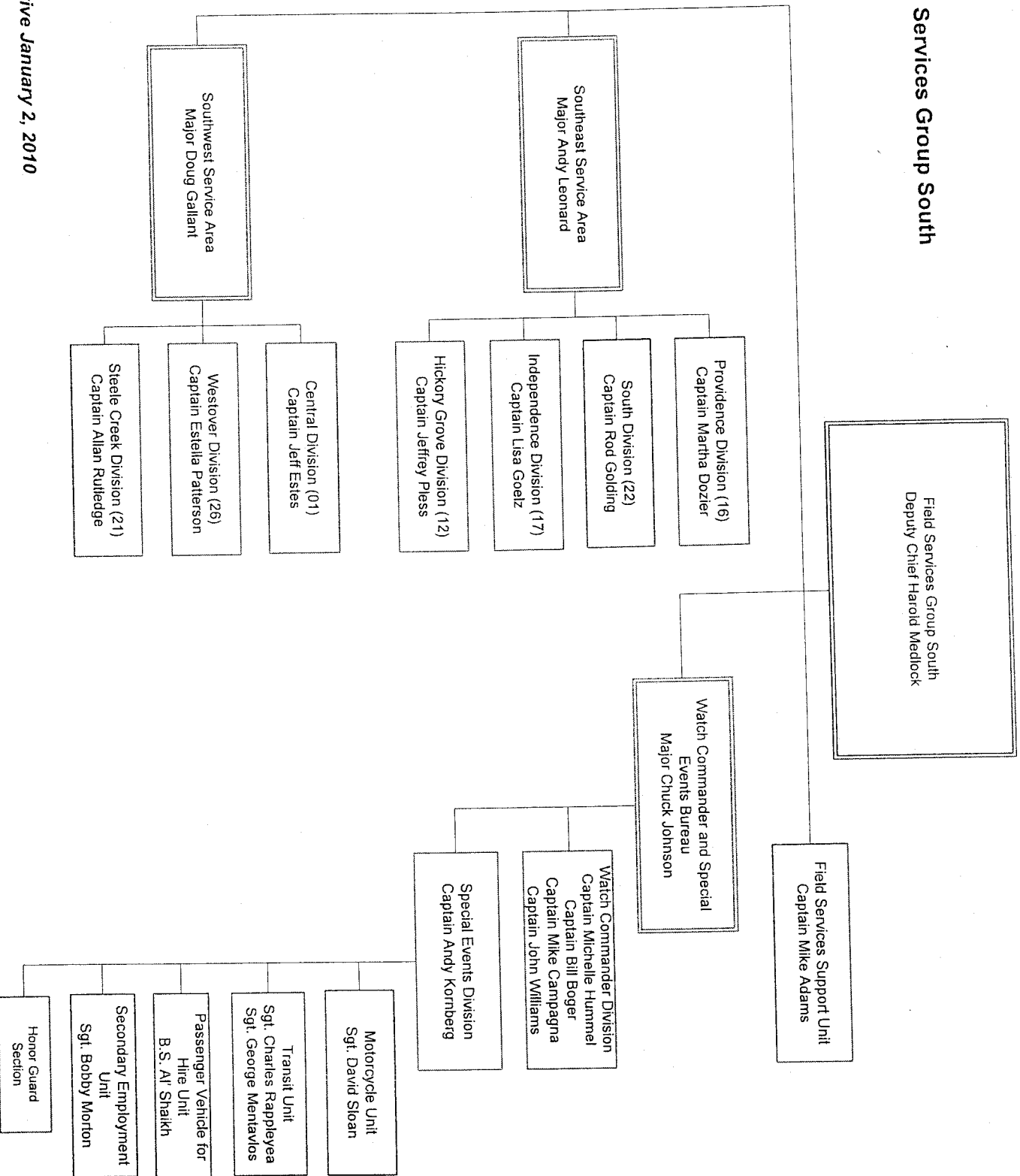
Effective January 2, 2010

Field Services Group North



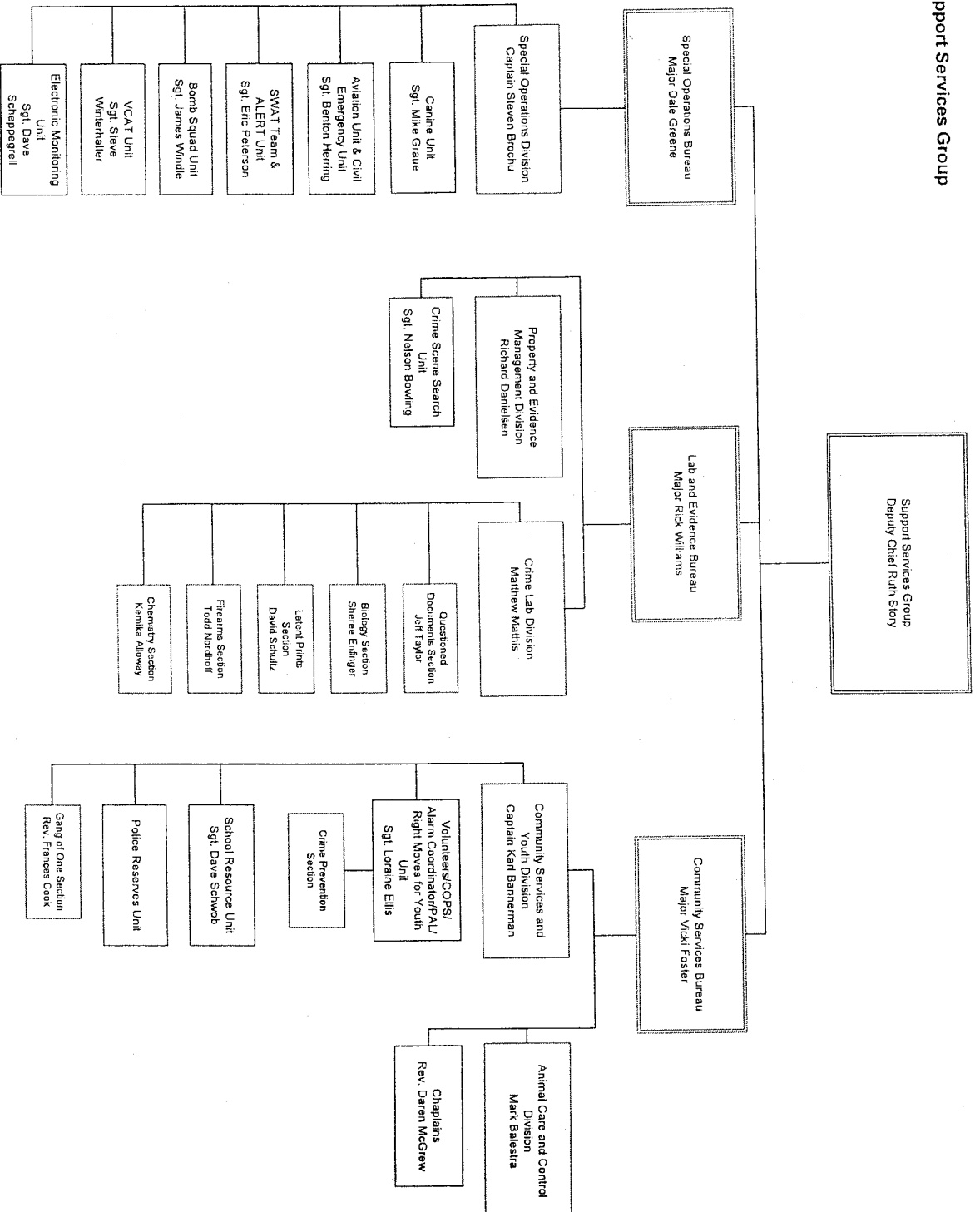
Effective January 2, 2010

Field Services Group South

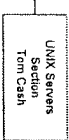
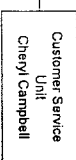
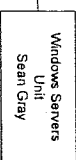
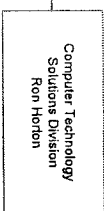
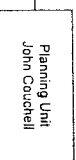
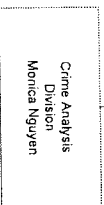
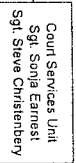
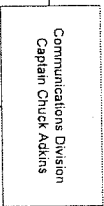
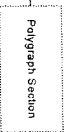
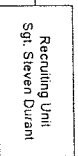
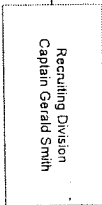
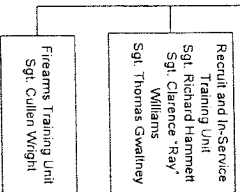
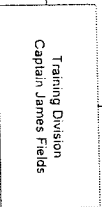
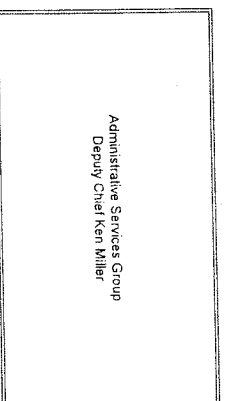


Effective January 2, 2010

Support Services Group



Administrative Services Group



Effective January 2, 2010

EXECUTIVE SUMMARY

Chicago, Illinois - Requirements Related to Sexual Offenses

Introduction

The Illinois Compiled Statutes (the “Statutory Requirements”) has enacted a system of sex offender registration in which sex offenders must register with Local Law Enforcement Agencies, agencies located in the jurisdiction that the sex offender resides, works, is employed or attends school, within three days of establishing residency, beginning work or employment. The Statutory Requirements provide a detailed list of sexual offenses that require a sex offender to register if convicted of the offense listed. The requirements of the sex offender, Local Law Enforcement Agency and the Department of State Police (the “DSP”) are detailed in the Statutory Requirements.

State Law Requirements

When a sex offender registers with the Local Law Enforcement Agency, this information is then forwarded to the Department of State Police within three days. The Law Enforcement Agency also enters the information into the Law Enforcement Agencies Data System (“LEADS”) and forwards a copy of the sex offender registration forms to the Attorney General.

A correction facility or institution, hospital or treatment facility, or court (the “Facility or Court”) must inform a sex offender that he has a duty to register in person within three days of release prior to the sex offender leaving the facility or institution. The Facility or Court is responsible for obtaining information regarding where the sex offender expects to reside, work, or attend school after his or her discharge. This information must be reported to the DSP.

The sex offender is required to register at the Chicago Police Department Headquarters (“CPDH”) if he resides, is temporarily domiciled, attends an institution, or is employed in the City of Chicago. If the sex offender lacks a fixed address he must report weekly, in person to the CPDH and each weekly registration must be documented.

Each sex offender must pay a \$20 initial registration fee and a \$10 annual renewal fee. If the sex offender is indigent and unable to pay, the Local Law Enforcement Agency may waive the fee. These funds are used by the Sex Offender Management Board for the evaluation of the sex offender, treatment and other administrative costs including staff. Additionally, if a sex offender fails to register as required by the Statutory Requirements, a mandatory minimum fine of \$500 for failure to comply is imposed. These funds are deposited in the Sex Offender Registration Fund and used by the Illinois State Police Sex Offender Registration Unit.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Local Requirements

This information is currently unavailable.

Comparison of Requirements for Chicago, Illinois and Cleveland, Ohio

Unlike Ohio, Illinois does not follow the three tiered approach to classify sex offenders. Both Ohio and Illinois state law require reports of changes in a sex offender's registration be reported within three days to the Local Law Enforcement Agency. Exceptions to the Illinois' statutory requirements include a mandatory signed statement by the sex offender during release from a Facility or Court that certifies the accuracy of information provided. Additionally, the sex offender must report weekly, in person, to the sheriff's office if he does not have a permanent residence. The weekly documentation requires the sex offender to account for every place he has stayed during the past seven days.

The most notable difference in Illinois is the requirement a \$20 initial registration fee and \$10 annual renewal fee for each sex offender. These funds are utilized to hire staff, evaluate sex offenders, for treatment of sex offenders, for monitoring programs and for administrative costs. On November 30, 2003, there were 18,381 persons in the sex offender database who had been convicted of a total of 21,581 registerable sex offenses. If only half of these registered sex offenders were required to renew registration annually for \$10, this would generate \$91,905 annually. This does not include the initial \$20 registration fee charged to newly convicted sex offenders during the year. Additionally, a \$500 mandatory fine is charged to sex offenders who violate the Sex Offender Registration Act. These funds are also utilized to cover costs incurred by the criminal justice system, specifically the Illinois State Police Sex Offender Registration Unit.

SUMMARY

Chicago, Illinois - Requirements Related to Sexual Offenses

Background Information on Chicago, IL and the Chicago Police Department

The city of Chicago has a population of 2,829,304. Crime in the United States, 2008. The amount of police officers employed by the Chicago Police Department is 13,359. Id. In 2007, there were 1,644 criminal sexual assaults reported in Chicago. See Division of Police Memorandum attached. The amount decreased in 2008 with 1,569 criminal sexual assaults reported. Id.

Sources of Authority Regarding Chicago Police Department Requirements Related to Sexual Offenses

The Illinois Compiled Statutes (the “Statutory Requirements”) are the source of authority the Department of State Police (the “DSP”) and Local Law-Enforcement Agencies, agencies located in the jurisdiction that the sex offender resides, works, is employed or attends school, must follow in relation to sexual offenses. The Chicago Police Department General Order for internal policies and procedures for criminal sexual assaults is currently unavailable. The information was requested but was not received. All sources referenced in this Summary are attached.

State Law Requirements **Sex Offender Registration Act**

The Statutory Requirements create a system of sex offender registration by which those found guilty of a sex offense are required to register and are then tracked by law enforcement officials. The Registry can be accessed at <http://gis.chicagopolice.org/CLEARMaprso/startPage.htm>. The registration system is outlined below.

I. Who Qualifies as a Sex-Offender?

A “sex offender” means any person who is (1) convicted of; (2) convicted of an attempt; or (3) found not guilty by reason of insanity of the offense or the attempt to commit an offense included in the Sex Offender Registration Act (the “Act”). The following offenses are included in the Act:

- Sexual Misconduct With a Person With a Disability (5/11-9.5);
- Criminal Sexual Assault (5/12-13);
- Aggravated Criminal Sexual Assault (5/12-14);
- Criminal Sexual Abuse (5/12-15);
- Aggravated Criminal Sexual Abuse (5/12-16).



An attempt to commit any of these offenses:

- Attempt to commit first degree murder when the victim was a person under 18 years of age, and the defendant was at least 17 years of age at the time the crime was attempted (5/9-1);
- Attempted sexual relations within families, when the offense was committed on or after June 1, 1997 (5/11-11);
- Attempt to commit child abduction if committed by luring or attempting to lure a child under the age of 16 into a vehicle, building, etc. without consent of the parent or custodial guardian and the offense was committed on or after Jan. 1, 1998 (5/11-9.4);
- Indecent solicitation of an adult if committed on or after July 1, 1999 (5/11-6.5);
- Public indecency for a third or subsequent conviction if committed on or after August 22, 2002 (5/11-9).

II. Registration

Sex offenders must register in person with the Local Law Enforcement Agency, which is the agency located in the municipality which the sex offender resides or is temporarily domiciled, unless the municipality is the City of Chicago. If so, the sex offender must register at the Chicago Police Department Headquarters (the “CPHD”). The sex offender must sign a written statement, required by the DSP, that certifies the accuracy of the registration information. This registration must take place within three days of the sex offender beginning school, establishing a residence, place of employment or temporary domicile in any county. The information required includes:

- A current photograph;
- Current address;
- Current place of employment;
- The employer’s telephone number;
- School attending;
- All e-mail addresses;
- Instant messaging and chat room identities;
- All internet communication identities, URLs, blogs and other internet sites maintained;
- County of conviction;
- License plate numbers for every vehicle registered in offender’s name;
- Age of offender at the time of the commission of the offense;

- Age of the victim at the time of the commission of the offense; and
- Any distinguishing marks located on the body of the sex offender.

Within three days, the registering law enforcement agency must forward any required information to the DSP. The registering law enforcement agency must then enter the information into the Law Enforcement Agencies Data System (“LEADS”).

III. Duty of Offender To Reregister

Any sex offender required to register under the Act must report in person to the Local Law Enforcement Agency that he last registered within one year from the date of last registration and every year after at the request of the Local Law Enforcement Agency.

A. *Initial Registration- Duties of the Offender*

A sex offender that is discharged from a facility or institution, Court, or hospital must register with the Local Law Enforcement Agency within three days of beginning school, or establishing a residence, place of employment, or temporary domicile.

If the offender is employed at or attends an institution of higher learning, he must register with the Local Law Enforcement Agency in the municipality where he is employed or attends an institution of higher learning.

If the offender lacks a fixed address or temporary domicile, he must notify, in person, the Local Law Enforcement Agency of the jurisdiction of his last known address within three days of leaving the address. The offender must report weekly, in person, with the sheriff’s office or with the chief of police in the municipality that he is located. The agency must then document each weekly registration to include where the person has stayed during the past seven days.

B. *Duration of Registration*

Registration for Natural Life:

- An offender who is found to be sexually dangerous but is later released or found to be no longer sexually dangerous must register for life;
- A person who has become required to register under the Child Murderer and Violent Offender Against Youth Registration Act must register for life.

Registration for Ten Years:

- Any other sex offender who is required to register, if not confined to an institution or facility, must register for ten years. If confined, the offender must register for a period of ten years after parole, discharge or release from the facility.

Additional Registration Imposed

- The offenders registration requirement will be extended ten years for failure to comply with the offender registration provisions. The extended registration period will begin from the first date of registration after the violation. The DSP must send a registered letter to the Local Law Enforcement Agency where the offender resides within three days after the extension of the registration period. The offender must then report to the Local Law Enforcement Agency and sign for the letter. A copy of the letter will be kept on file with the Local Law Enforcement Agency and one copy will be returned to the DSP.

C. Duties of an Out-of-State Offender in Illinois for School or Employment

An out-of-state student or employee must provide the following registration information to the DSP within three days of beginning school or employment:

- Current place of employment or school attended;
- Address in state of residence; and
- All internet addresses in his state of residence that are registered in his name and/or accessible at his place of employment.

Additionally, out-of-state offenders who will attend or are employed at a higher education institution must also register with the Local Law Enforcement Agency of the municipality where he/she attends school or is employed for five or more days. When this information is gathered, the Local Law Enforcement Agency that has registered the sex offender must forward a copy of the sex offender registration forms to the Attorney General.

D. Initial Registration- Discharge of Sex Offender From Department of Corrections Facility or other Penal Institution, the Court, or Hospital; Duties of the Facility, Institution, Court, or Hospital.

Prior to the release of a sex offender, the Department of Corrections Facility or other Penal Institution, the Court (the "Facility or Court")¹, a hospital or other treatment facility must do the following:

- Require the sex offender to read and sign a form required by the DSP stating that the duty to register and the procedure for registration has been explained to him and that he understands the duty to register and the procedure for registration;
- Inform the sex offender of his duty to register in person within three days of release from the Facility or the Court;

¹ A sex offender is discharged from the court when he does not have to serve jail time. This occurs when a sex offender is released on probation or discharged after the payment of a fine.

- Inform the sex offender that if he establishes a residence outside of the State of Illinois, is employed outside of the State of Illinois, or attends school outside of the State of Illinois, he must register in the new state within three days after establishing the residence, beginning employment, or beginning school;
- Obtain information about where the person expects to reside, work, and attend school upon his or her discharge, parole or release and report the information to the DSP;
- Give one copy of the signed form to the sex offender;
- Retain one copy of the form for the files in the Facility or Court;
- Send one copy to each of the Local Law Enforcement Agencies having jurisdiction; and
- Forward the original form to the DSP.

The DSP then informs the Local Law Enforcement Agencies having jurisdiction where the person expects to reside, work, and attend school upon his discharge, parole or release. The Local Law Enforcement Agency must share electronic data files with the DSP, which includes all registration information and photographs of sex offenders being released from the Facility or Court.

The supervising officer of the Facility or Court must contact the Local Law Enforcement Agency that has jurisdiction over the sex offender within fifteen days of release from the Facility or Court to verify compliance with the Act. If offender has failed to follow the registration procedure, proceedings will be immediately commenced against the offender.

E. Registration Fee

Each offender must pay a \$20 initial registration fee and a \$10 annual renewal fee. The Local Law Enforcement Agency that has jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay. The Local Law Enforcement Agency is allowed to use \$10 of the initial registration fee and \$5 of the annual renewal fee for official purposes. The funds generated are deposited into the Sex Offender Management Board Fund. This fund is utilized for sex offenders evaluation, treatment, monitoring programs, or administrative costs, including staff, incurred by the Board.

Any person convicted of a violation must, in addition to other penalties required by law, serve a minimum of seven days confinement in the local county jail and pay a mandatory minimum fine of \$500 for failure to comply which will be deposited in the Sex Offender Registration Fund. Moneys in the fund will be used to cover costs incurred by the criminal justice system. Fifty percent of the moneys in the fund will be allocated by the Department for sheriffs' offices and police departments. The remaining moneys in the fund will be allocated to the Illinois State Police Sex Offender Registration Unit for education and administration of the Act.

IV. Verification of Registration Information: Nonforwardable Verification Letters From the DSP

After a sex offender has registered in person with the Local Law Enforcement Agency, and this registration information is forwarded to the DSP, the DSP must mail quarterly nonforwardable verification letters to each person registered. The letter must be sent 90 days from the date of the offender's last registration for offenders who are sexually dangerous, sexually violent and later released, or found to be no longer sexually dangerous. Every other person registered under the Act must receive the letter annually, beginning one year from the date of his or her last registration.

The sex offender must complete, sign, and return the verification form to the DSP postmarked within ten days after the mailing date. If the sex offender fails to return the verification form within the ten day period, it will be considered a violation of the Act. Any violation of the Act results in a minimum seven days confinement in the local county jail and a minimum fine of \$500.

A. Verification Requirements: Address verification; Internet Protocol Address Verification

The Local Law Enforcement Agency must verify the address of the offender at least once per year. The verification must be documented in LEADS in the form required by the DSP.

The Local Law Enforcement Agency must also verify all internet communication identities, URL's and Internet protocol (IP) addresses of sex offenders. A copy of this verification must be sent to the Attorney General to be entered into the Illinois Cyber-crimes Location Database.

B. Registration Verification

The DSP is required to share information with the Local Law Enforcement Agency to assist the agency in determining the potential whereabouts of the offender who failed to respond to address-verification attempts or otherwise fails to register. The DSP must assist Local Law Enforcement Agencies in any way to help locate and apprehend the offender.

C. Repercussions for Failure To Register as a Sex Offender

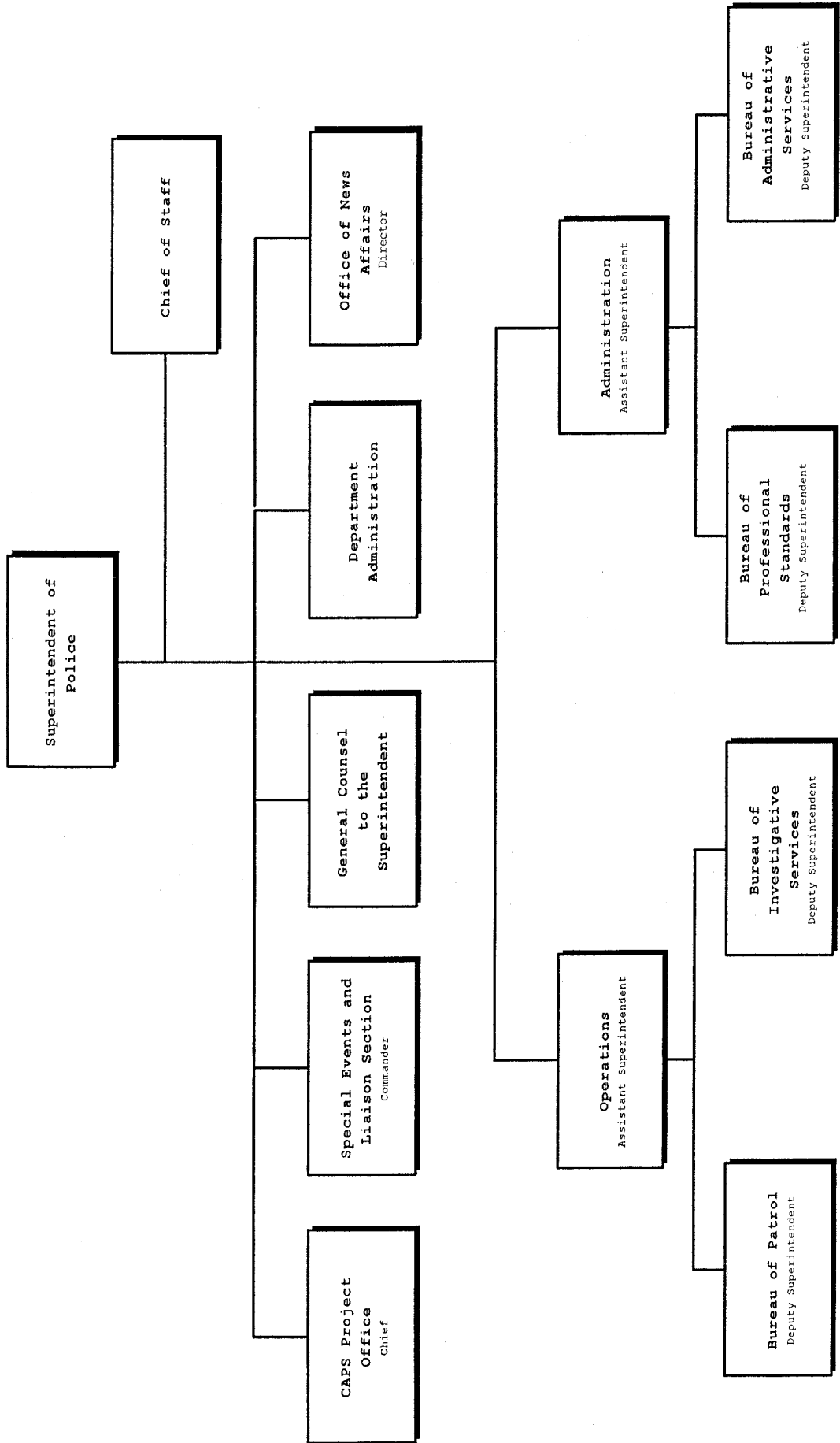
- Any person who is required to register under the Act and violates any of the provisions or who seeks to change his name is guilty of a Class 3 felony.
- Any person who is convicted for a violation of the Act for a second or subsequent time is guilty of a Class 2 felony.
- Any person who is required to register under the Act who knowingly or willfully gives false material information is guilty of a Class 3 felony.

- Any offender who violates the Act may be arrested and tried in any Illinois county where the sex offender can be located. The local police department or sheriff's office is not required to determine whether the person is living within its jurisdiction. This helps facilitate the prosecution of the offender.

Comparison Between Chicago, Illinois and Cleveland, Ohio

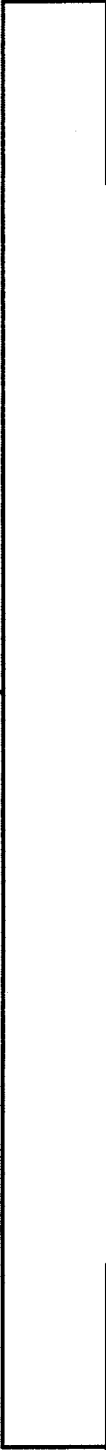
Unlike Ohio, Illinois does not follow the three tiered approach to classify sex offenders. Both Ohio and Illinois law require reports of changes in sex offender registration be reported within three days to the Local Law Enforcement Agency. Some exceptions in Illinois' Statutory Requirements include the requirement of a signed statement by the sex offender during release from a Facility or Court that certifies the accuracy of information provided. Additionally, the sex offender must report weekly, in person, to the sheriff's office if he does not have a permanent residence. The weekly documentation requires the offender to account for every place he has stayed during the past seven days. Note also that Illinois (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010 pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

The most notable difference in Illinois is the requirement of a \$20 initial registration fee and \$10 annual renewal fee for each sex offender. These funds are utilized to hire staff, to evaluate sex offenders, for treatment of sex offender, for monitoring programs and for administrative costs. On November 30, 2003, there were 18,381 persons in the sex offender database who had been convicted of a total of 21,581 registerable sex offenses. If only half of these registered sex offenders were required to renew registration annually for \$10, this would generate \$91,905 annually. This does not include the initial \$20 registration fee charged to newly convicted sex offenders during the year. Additionally, a \$500 mandatory fine is charged to offenders who violate the Sex Offender Registration Act. These funds are also utilized to cover costs incurred by the criminal justice system, specifically the Illinois State Police Sex Offender Registration Unit.

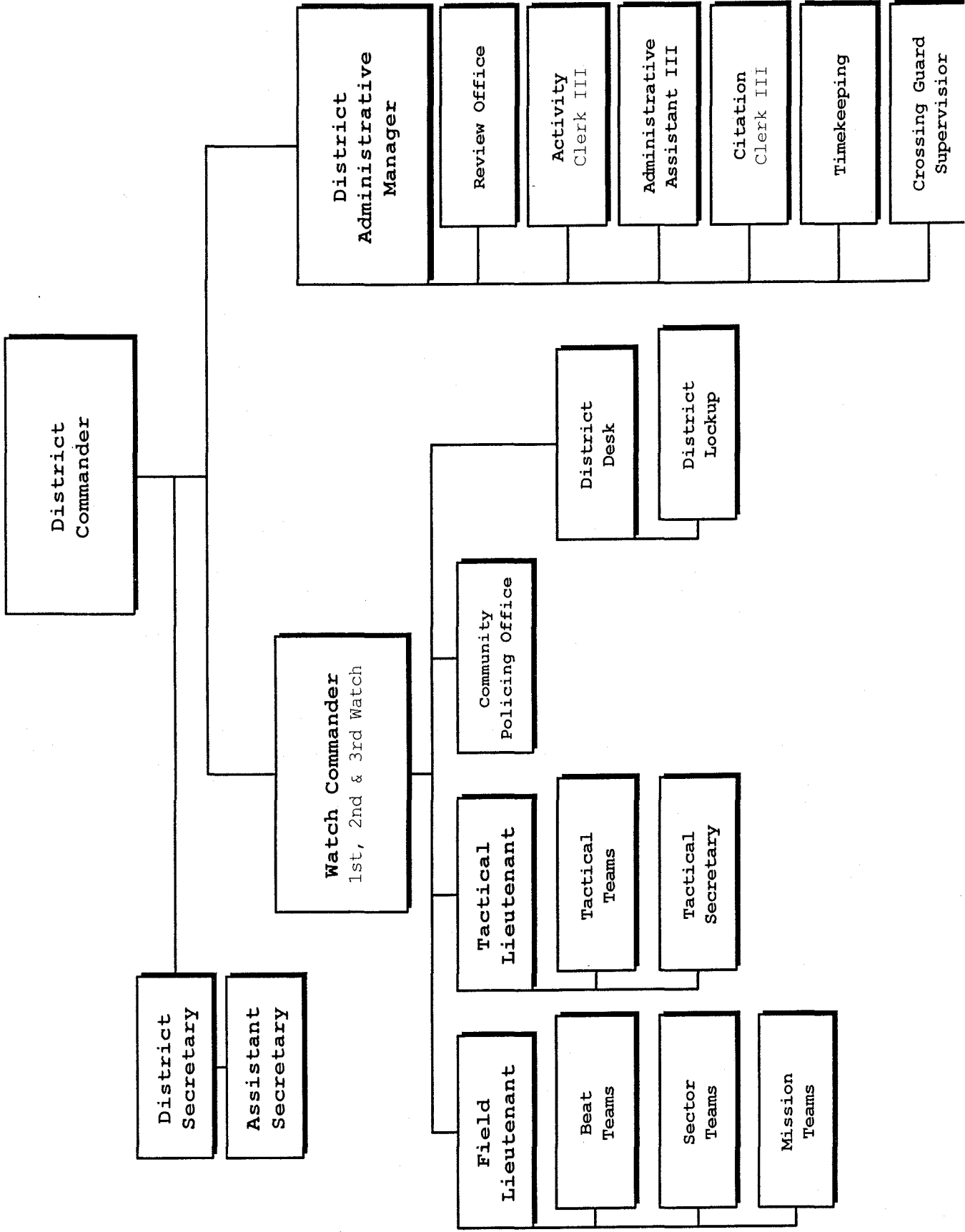


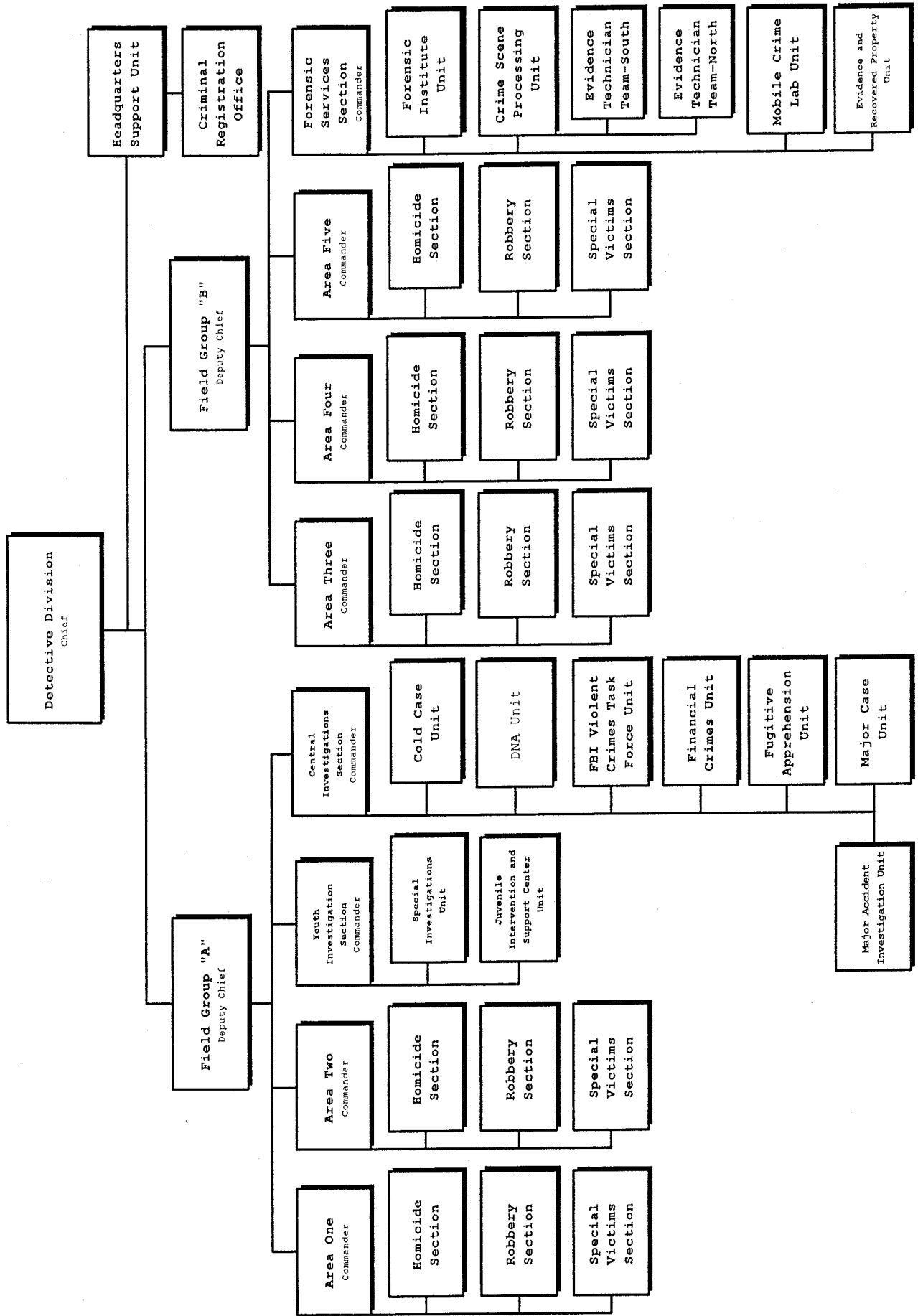
Operations
Assistant
Superintendent

Bureau of Patrol
Deputy
Superintendent



**Bureau of
Investigative
Services**
Deputy
Superintendent





EXECUTIVE SUMMARY

Cincinnati, Ohio – Requirements Related to Sex Crimes and Offenders

Introduction

There are three sources of authority that establish the requirements that law enforcement agencies, including the Cincinnati Police Department (“CPD”), must comply with in relation to sexual crimes: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements,” and collectively with the Registration Requirements, the “Statutory Requirements”), and (3) the Cincinnati Division of Police General Police Order 12.315 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes.

Local Requirements

The Department Policy establishes which CPD officers are responsible for the preliminary and follow up investigations of rape and other sexual assaults. Furthermore, the Department Policy sets the goals of (i) reducing victim trauma by limiting the times the victim has to repeat the details of the offense; (ii) improving victim cooperation during the reporting, investigation and prosecution of the offense; and (iii) enhancing the collection, identification, preservation and continuity of evidence.

Preliminary Investigation

The victim’s initials will be used on the complaint generated by the police officer, not the victim’s name.

District personnel are responsible for the preliminary investigation of all reports of rape and other sexual assaults.

Follow Up Investigation

District personnel are responsible for the follow up investigation of (i) gross sexual imposition (victim 18 or older) (O.R.C. § 2907.05), (ii) sexual imposition (victim 18 years or older) (O.R.C. § 2907.06), (iii) importuning (O.R.C. § 2907.07), (iv) voyeurism (O.R.C. § 2907.08), and (v) public indecency (O.R.C. § 2907.09). The Department Policy does not provide any guidance as to the steps of the follow up investigation for these crimes.

The Criminal Investigation Section (“CIS”) is responsible for the follow up investigation of (i) child enticement (O.R.C. § 2905.05), (ii) rape (all ages) (O.R.C. § 2907.02), (iii) sexual battery (O.R.C. § 2907.03), (iv) unlawful sexual conduct with a minor (O.R.C. § 2907.04), (v) gross sexual imposition (victim 17 or younger) (O.R.C. § 2907.05), and (vi) sexual imposition

VORYS

Vorys, Sater, Seymour and Pessie LLP

(victim 17 or younger) (O.R.C. § 2907.06). The Department Policy does not provide any guidance as to the steps for the follow up investigation for the crime of child enticement.

When a report of rape, sexual battery, unlawful conduct with a minor, gross sexual imposition, or sexual imposition is received by district personnel, the officer who received the complaint will summon a supervisor to coordinate the preliminary investigation. The supervisor and the officer who received the complaint should be the only persons interviewing the victim to determine the correct statutory offense. The interview should be held in a place free from interruptions and other persons, and the officers should avoid having the victim repeatedly describe the intimate or embarrassing details of the offense.

The officer who received the complaint (if that officer is available) should transport the victim to the University Hospital for a physical/rape examination, unless the victim insists on another hospital or a private physician. Before transporting the victim, the investigating officer or supervisor will contact a Personal Crimes Unit (“PCU”) or CIS supervisor to determine if it is preferable for an investigator to interview the victim prior to an exam.

The supervisor will request that CIS respond if there is an immediate need to gather physical evidence or if the offense is fresh and to delay follow up would jeopardize the successful completion of the investigation. If CIS investigators respond, they will assume the authority and responsibility the investigation of the offense. District personnel will aid CIS as necessary. CIS is responsible for completing the Ohio Uniform Incident Report and the Incident Report Supplement.

If the supervisor does not request that CIS respond, district personnel will complete and process the Ohio Uniform Incident Report and the Incident Report Supplement and immediately fax a copy of both reports to CIS. If district personnel discover any information about the offense after the preliminary investigation is over, they must provide this information to CIS.

Evidence Collection

Only CIS Personal Crimes Unit investigators can pick up and process evidence from University Hospital’s locked cabinets. CIS Personal Crimes Unit investigators must contact University Hospital at least once a week to ensure evidence has been picked up. If the physical/rape examination occurs somewhere other than University Hospital, CIS Personal Crimes Unit investigators will respond upon completion to pick up the rape evidence kit.

Comparison of Requirements for Cincinnati Police Department and Requirements for Cleveland Division of Police

The CPD Department Policy provides a more comprehensive procedure for investigating sex crimes than the Cleveland Division of Police policy (the “Cleveland Policy”), which provides only guidelines for gathering forensic and trace evidence following a sex crime. In terms of the evidence collection procedures, the CPD Department Policy mandates that only CIS Personal Crimes Unit investigators can pick up evidence from the hospital, while the Cleveland

Policy permits any uniformed officer to pick up the evidence. Additionally, the CPD Department Policy permits the hospital to hold evidence in a locked cabinet, while the Cleveland Policy seems to require an officer to pick up the evidence as soon as one is available. The CPD Department Policy requires a weekly check-in to ensure that all evidence has been picked up from the hospital, while the Cleveland Policy does not have any check-in requirement.

Overall, the CPD Department Policy is much more comprehensive than the Cleveland Policy.

SUMMARY

Cincinnati, Ohio – Requirements Related to Sex Crimes and Offenders

According to the Cincinnati Police Department (“CPD”) website, the CPD employs 1057 sworn law enforcement officers and 281 nonsworn employees. The City of Cincinnati has a population of 364,040. There were 322 rape reports in 2007 and 273 reports in 2008. Crime in the United States, 2007 and 2008. There were 313 forcible rape reports in 2007 and 269 reports in 2008. Id.

Sources of Authority Regarding Cincinnati Police Department Requirements Related to Sex Crimes and Offenders

There are four sources of authority that establish the requirements that law enforcement agencies, including the CPD, must comply with in relation to sexual crimes: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements,” and collectively with the Registration Requirements, the “Statutory Requirements”), and (3) the Cincinnati Division of Police General Police Order 12.315 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes.

Local Requirements

The Department Policy establishes which CPD officers are responsible for the preliminary and follow up investigations of rape and other sexual assaults. The Department Policy sets the goals of reducing victim trauma by limiting the times the victim has to repeat the details of the offense, improving victim cooperation during the reporting, investigation and prosecution of the offense, and enhancing the collection, identification, preservation and continuity of evidence. The Department Policy also references CPD Procedure 12.720 for more information on the procedures related to evidence.

Preliminary Investigation

A police officer writing a complaint for a sex crime defined in Chapter 2907 of the Ohio Revised Code (“O.R.C.”) will not include the victim’s name on the complaint. Instead, the officer will use the initials of the adult in order to protect the identity of the sex crime victim. However, the victim’s name will appear on the Ohio Uniform Incident Report, which is submitted to the statewide Ohio Incident Based Reporting System.

District personnel are responsible for the preliminary investigation of all reports of rape and other sexual assaults.

Follow Up Investigation

District personnel are responsible for the follow up investigation of (i) gross sexual imposition (victim 18 or older) (O.R.C. § 2907.05), (ii) sexual imposition (victim 18 years or older) (O.R.C. § 2907.06), (iii) importuning (O.R.C. § 2907.07), (iv) voyeurism (O.R.C. § 2907.08), and (v) public indecency (O.R.C. § 2907.09). The Department Policy does not provide any guidance as to the steps of the follow up investigation for these crimes.

The Criminal Investigation Section (“CIS”) is responsible for the follow up investigation of (i) child enticement (O.R.C. § 2905.05), (ii) rape (all ages) (O.R.C. § 2907.02), (iii) sexual battery (O.R.C. § 2907.03), (iv) unlawful sexual conduct with a minor (O.R.C. § 2907.04), (v) gross sexual imposition (victim 17 or younger) (O.R.C. § 2907.05), and (vi) sexual imposition (victim 17 or younger) (O.R.C. § 2907.06). The Department Policy does not provide any guidance as to the steps for the follow up investigation for the crime of child enticement.

When a report of rape, sexual battery, unlawful conduct with a minor, gross sexual imposition, or sexual imposition is received by district personnel, the officer who received the complaint will summon a supervisor to coordinate the preliminary investigation.

Whenever possible, the supervisor and the officer who received the complaint should be the only persons interviewing the victim to determine the correct statutory offense. The interview should be held in a place free from interruptions and other persons, and the officers should avoid having the victim repeatedly describe the intimate or embarrassing details of the offense.

If available, the officer who received the complaint should transport the victim to the University Hospital for a physical/rape examination, unless the victim insists on another hospital or a private physician. Before transporting the victim, the investigating officer or supervisor will contact a Personal Crimes Unit (“PCU”) or CIS supervisor to determine if it is preferable for an investigator to interview the victim prior to an exam.

The supervisor will request that CIS respond if there is an immediate need to gather physical evidence or if the offense is fresh and to delay follow up would jeopardize the successful completion of the investigation. If CIS investigators respond, they will assume the authority and responsibility the investigation of the offense; however, district personnel will aid CIS in protecting the crime scene, making wanted broadcasts, locating suspects and witnesses, arresting perpetrators, searching for evidence and other investigative steps. CIS is responsible for completing the Ohio Uniform Incident Report and the Incident Report Supplement. The Ohio Uniform Incident Report should note the examining hospital facility. The Incident Report Supplement should include witness information, evidence held, and other results of the preliminary investigation. CIS must provide the district desk office with copies of the Ohio Uniform Incident Report and the Incident Report Supplement.

If the supervisor does not request that CIS respond, district personnel will complete and process the Ohio Uniform Incident Report and the Incident Report Supplement and immediately

fax a copy of both reports to CIS. If district personnel discover any information about the offense after the preliminary investigation is over, they must provide this information to CIS.

Evidence Collection

Only CIS Personal Crimes Unit investigators can pick up and process evidence from University Hospital's locked cabinets. CIS Personal Crimes Unit investigators must contact University Hospital at least once a week to ensure evidence has been picked up. If the physical/rape examination occurs somewhere other than University Hospital, CIS Personal Crimes Unit investigators will respond upon completion to pick up the rape evidence kit.

Comparison of Requirements for Cincinnati Police Department and Requirements for Cleveland Division of Police

The CPD Department Policy provides a more comprehensive procedure for investigating sex crimes than the Cleveland Division of Police policy (the "Cleveland Policy"), which provides only guidelines for gathering forensic and trace evidence following a sex crime. In terms of the evidence collection procedures, the CPD Department Policy mandates that only CIS Personal Crimes Unit investigators can pick up evidence from the hospital, while the Cleveland Policy permits any uniformed officer to pick up the evidence. Additionally, the CPD Department Policy permits the hospital to hold evidence in a locked cabinet, while the Cleveland Policy seems to require an officer to pick up the evidence as soon as one is available. The CPD Department Policy requires a weekly check-in to ensure that all evidence has been picked up from the hospital, while the Cleveland Policy does not have any check-in requirement.

Overall, the CPD Department Policy is much more comprehensive than the Cleveland Policy.

12.315 INVESTIGATION OF RAPE AND OTHER SEXUAL ASSAULT OFFENSES

References:

Procedure 12.720 - Evidence: Submitting For Physical Analysis

Purpose:

Establish responsibility for preliminary and follow-up investigations of rape and other sexual assaults.

Reduce victim trauma by limiting the times the victim has to repeat details of the offense.

Improve victim cooperation during the reporting, investigation, and prosecution of these offenses.

Enhance the collection, identification, preservation, and continuity of evidence.

Policy:

Whenever any officer files a complaint for a crime in Chapter 2907, Ohio Revised Code, the victim's name will not appear on the complaint. When the victim is a minor, officers will use the term "A minor" in the space for complainant. If the victim is an adult, officers will use the initials of the adult. This will aid in protecting the identity of sex crime victims. The victim's name will still appear on the Ohio Uniform Incident Reports.

District personnel are responsible for the preliminary investigation of rape and other sexual assault offenses.

District personnel are responsible for follow-up investigation of the following offenses (including attempts):

2907.05	Gross Sexual Imposition (Victim 18 years and older)
2907.06	Sexual Imposition (Victim 18 years and older)
2907.07	Importuning
2907.08	Voyeurism
2907.09	Public Indecency

Criminal Investigation Section (CIS) is responsible for follow-up investigation of the following offenses (including attempts):

2905.05	Child Enticement
2907.02	Rape (all ages)
2907.03	Sexual Battery
2907.04	Unlawful Sexual Conduct with a Minor
2907.05	Gross Sexual Imposition (Victim 17 years or younger)
2907.06	Sexual Imposition (Victim 17 years or younger)

Procedure:

- A. Investigation of Rape, Sexual Battery, Unlawful Sexual Conduct with a Minor, Gross Sexual Imposition, and Sexual Imposition:
1. When one of the above sexual assault offenses is reported to district personnel, the investigating officer will summon a supervisor to coordinate the preliminary investigation.
 - a. Whenever possible, the supervisor and officer who received the complaint should be the only persons interviewing the victim to determine the correct statutory offense.
 - 1) Hold this interview in a place free from interruptions, witnesses, other police officers, etc.
 - 2) Avoid having the victim repeatedly describe the intimate or embarrassing details of the offense.
 2. Transport victims 13 years and older to University Hospital for a physical/rape examination unless a victim insists on a private physician or another hospital. Transport victims under 13 years of age to Children's Hospital.
 - a. Prior to transporting the victim, the investigating officer or supervisor will contact a Personal Crimes Unit or CIS supervisor for direction. It may be preferable for an investigator to interview the victim prior to any exam.
 - b. Whenever possible, the officer who received the complaint should be the transporting officer.
 3. The district supervisor coordinating the investigation will request CIS respond if:
 - a. There is an immediate need to gather physical evidence (e.g., blood, semen stains, fingerprints, etc.).
 - b. The offense is fresh and to delay follow-up would jeopardize the successful completion of the investigation.
 4. If CIS investigators respond, they will assume the authority and responsibility for further investigation of the offense. This includes completion of an Ohio Uniform Incident Report and Incident Report Supplement (Form 3111).
 - a. CIS will immediately provide the district desk officer with copies of a completed Ohio Uniform Incident Report, Form 3111, and other facts necessary to keep district personnel informed.
 - b. District personnel will aid CIS in protecting the crime scene, making wanted broadcasts, locating suspects and witnesses, arresting perpetrators, searching for evidence, etc.

5. District personnel will complete and process an Ohio Uniform Incident Report and Form 3111 when CIS personnel do not respond to the scene.
 - a. Note the examining hospital facility or private physician on the Ohio Uniform Incident Report.
 - b. Include witness information, evidence held, and other results of the preliminary investigation on the Form 3111. Fax CIS a copy of the Ohio Uniform Incident Report and Form 3111 immediately.
 - c. District personnel may discover information about the offense after the preliminary investigation is over. Provide this information to CIS to aid them in the follow-up investigation.

B. Rape Evidence Kits:

1. University Hospital and Children's Hospital have locked cabinets to secure physical evidence taken from the victim by the examining physician. The physician will identify and place this evidence in paper bags for deposit into the cabinet. The rape evidence kit includes the rape exam report, clothing, pubic combings, fingernail scrapings, blood samples, etc.
 - a. Only CIS Personal Crimes Unit investigators will pick up and process evidence from University Hospital and Children's Hospital.
 - b. CIS Personal Crimes Unit investigators will contact University and Children's Hospitals at a minimum of once a week to ensure evidence has been picked up.
2. If the physical/rape examination occurs somewhere other than University Hospital or Children's Hospital, CIS Personal Crimes Unit investigators will respond upon completion of the examination to pick up the rape evidence kit.

Cincinnati

Count of YEAR	
YEAR	Total
2008	911
2009	1038
(blank)	
Grand Total	1949

EXECUTIVE SUMMARY

Columbus, Ohio – Requirements Related to Sex Crimes and Offenders

Introduction

There are three sources of authority that establish the requirements that law enforcement agencies, including the Columbus Police Department (“CPD”), must comply with in relation to sexual offenses: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements, and together with the Registration Requirements, the “Statutory Requirements”), and (3) Columbus Division of Police Training Supplement on Sexual Assault Investigations and Responses, Section II, Issue 3 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes. The Department Policy is explained below.

Local Requirements

The Department Policy emphasizes that the Sexual Assault Unit of the CPD is primarily responsible for sex crimes investigations. However, the Department Policy acknowledges that a patrol officer will most likely be the first responder to a report of a sex crime. Accordingly, the Department Policy states that its purpose is to provide the patrol officer with guidelines for the initial contact with the victim.

The responsibilities of the patrol officer are to conduct a minimal interview of the victim to determine the minimal facts necessary (i) for medical care, (ii) to secure potential evidence, (iii) to ascertain jurisdiction, and (iv) to identify suspects. The patrol officer is not to conduct the primary interview of the victim, and is not to force any interview if the victim is not willing and able to discuss the facts of the reported sex crime.

The patrol officer is required to notify the Sexual Assault Unit of a reported sex crime as soon as practical and to operate at the Sexual Assault Unit’s direction until a Sexual Assault Unit detective arrives.

The patrol officer is authorized to explain the necessity of medical treatment, and arrange for transport to a hospital if there is a medical trauma. However, the patrol officer is not authorized to request that the hospital prepare a sexual assault evidence collection kit or to take custody of that kit from the hospital if it is prepared.

As soon as practical, the patrol officer is required to provide the Sexual Assault Unit detective with a written summary, called a “first responder letter,” of the patrol officer’s actions from the time of arrival to the crime scene through the transport of the victim to the hospital.

Comparison

The CPD Department Policy is limited in its scope to the steps that a patrol officer should take during the initial response to a report of a sex crime. The Cleveland Division of Police policy (the “Cleveland Policy”) is also limited in scope, but focuses exclusively on evidence collection procedures.

In terms of evidence collection, the CPD Department Policy differs from the Cleveland Policy because the patrol officer is not permitted to authorize or pick up a completed Evidence Kit. The Cleveland Policy does not discuss authorization of an Evidence Kit, but does permit any uniformed officer to pick up the Evidence Kit from the hospital.

The CPD Department Policy emphasizes that patrol officers responding to reports of sex crimes must be sensitive to the victim, and limits the scope of a patrol officer’s duties when responding to a report of a sex crime to determining the minimum facts necessary to care for immediate medical needs, secure potential evidence, ascertain jurisdiction, and identify suspects. The Cleveland Policy does not discuss sensitivity to the victim or identify the responsibilities of the patrol officer that responds to a report of a sex crime, other than those related to evidence collection.

Another key distinction between the CPD Department Policy and the Cleveland Policy is the level of communication between the patrol officer and the Sexual Assault Unit detective. The CPD Department Policy emphasizes that the Sexual Assault Unit detective has primary responsibility for the interview of the victim and the investigation generally. The patrol officer contacts the Sexual Assault Unit directly. In contrast, the Cleveland Policy provides that the patrol officer is to notify a supervisor of the reported sex crime, who will then either contact the Sex Crimes Unit directly, or request dispatch to contact the Sex Crimes Unit, depending on the time of day. Additionally, the CPD Department Policy requires the patrol officer to provide a detailed summary of all of the patrol officer’s actions to the Sexual Assault Unit Detective. There is no similar requirement for the transfer of information between a Cleveland Police Department Patrol officer and the Sex Crimes Unit.

SUMMARY

Columbus, Ohio – Requirements Related to Sex Crimes and Offenders

According to the Columbus Police Department (“CPD”) 2008 Annual Report, the CPD employs 1,876 full-time sworn Police Officers. Columbus has a population of 773,203, according to the U.S. Census Bureau Estimate for 2006. According to the Federal Bureau of Investigation Uniform Crime Report, there were 661 forcible rapes reported in Columbus in 2007 and 615 forcible rapes reported in Columbus in 2008.

Sources of Authority Regarding Columbus Police Department Requirements Related to Sex Crimes

There are three sources of authority that establish the requirements that law enforcement agencies, including the Columbus Police Department (“CPD”), must comply with in relation to sexual offenses: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements, and together with the Registration Requirements, the “Statutory Requirements”), and (3) Columbus Division of Police Training Supplement on Sexual Assault Investigations and Responses, Section II, Issue 3 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes. The Department Policy is explained below.

Local Requirements

The Department Policy emphasizes that the Sexual Assault Unit of the CPD is primarily responsible for sex crimes investigations. However, the Department Policy acknowledges that a patrol officer will most likely be the first responder to a report of a sex crime. Accordingly, the Department Policy states that its purpose is to provide the patrol officer with guidelines for the initial contact with the victim.

Initial Response

The Department Policy emphasizes that sexual assault is a “violent crime that can leave victims feeling humiliated and traumatized,” and instructs the patrol officer to maintain a high level of sensitivity during all contact with the victim. The patrol officer must be familiar with the elements of sex crimes, as set forth in Ohio Revised Code Chapter 2907, and when a sex crime is reported, must minimize the interview of the victim to determining the minimal facts necessary to care for immediate medical needs, secure potential evidence, ascertain jurisdiction, and identify suspect(s). The detective from the Sexual Assault Unit will conduct the in-depth interview of the victim, and the patrol officer is instructed to determine which Sexual Assault Unit personnel will be responsible for the investigation and contact a detective or supervisor from the Sexual Assault Unit as soon as practical.

VORYS

Vorys, Sater, Seymour and Reese LLP

When the patrol officer contacts the Sexual Assault Unit, the patrol officer should explain the situation and request instruction on how to proceed. The patrol officer must then follow the directions of the detective. If the victim is in immediate danger, the patrol officer must take appropriate measures to ensure the victim's safety, and if the victim was assaulted at home and does not wish to leave, the patrol officer should notify a support person who can assist.

If the victim is willing and able to provide the suspect's physical description and any weapons or vehicles used, the patrol officer should obtain this information. However, the patrol officer should not force the issue or make any suggestions about what may have happened. If the offender is known, the patrol officer should attempt to determine the extent of the relationship, and the name, address, and other pertinent information about the offender. All information about the offender should be communicated to the Sexual Assault Unit detective and the Communications Bureau.

The patrol officer should also attempt to locate the crime scene and determine whether it is within Columbus' jurisdiction. In some cases, it may be necessary to have the victim return to the crime scene to pinpoint its exact location. The patrol officer should not transport a victim to the crime scene without the Sexual Assault Unit detective's consent. If the victim is transported, the victim will be transported in a two-officer car, and one of the officers must be the same sex as the victim.

If the patrol officer determines that the crime did not occur in the CPD's jurisdiction, the patrol officer must make the appropriate notifications. If the crime did occur in the CPD's jurisdiction, the patrol officer must notify the Sexual Assault Unit detective and the Communications Bureau personnel of the location of the crime scene. The patrol officer should also take steps to protect the crime scene and other physical evidence, including physical evidence that may be on the victim's person. If the victim has already changed clothing, the patrol officer should identify the clothing and protect it. If the victim remains in the clothing worn during the attack, the patrol officer should take steps to protect the clothing, including instructing the victim not to wash, bathe, shower, douche, eat, drink, smoke, urinate, have a bowel movement, change clothing, or otherwise disturb possible evidence prior to a medical examination. If the victim must urinate, the patrol officer must instruct female victims not to use toilet paper.

If a medical trauma takes precedence, the patrol officer should notify the Sexual Assault Unit detective that an emergency squad transported the victim to a hospital, and identify the emergency squad and the hospital. Unless the patrol officer is directed to authorize a sexual assault evidence collection kit (the "Evidence Kit") by the Sexual Assault Unit detective, the patrol officer should not authorize the Evidence Kit. If an Evidence Kit is authorized, the patrol officer should not take custody of the Evidence Kit from the hospital.

If there is no medical trauma, the patrol officer is also directed to explain to the victim that it is important to receive medical attention, even if there are no overt injuries. The patrol officer can explain that medical personnel will check the victim for injuries, test and treat the

victim for sexually transmitted diseases, discuss options if pregnancy is a concern, and conduct evidence collection procedures to aid in the investigation and identification of the perpetrator.

Transferring the Case to the Sexual Assault Unit

The patrol officer must provide a written summary of the patrol officer's actions, beginning with the time of arrival at the crime scene and concluding with the transport to the hospital. This is referred to as the "first responder letter" and must be forwarded to the Sexual Assault Unit detective as soon as practical.

Suspect Identified and Detained

If a suspect is identified and detained, the officers conducting the detention must notify the Sexual Assault Unit detective of the detention and seek further direction. The Sexual Assault Unit detective must be informed of the presentation of the suspect to the victim for identification. If the suspect is detained immediately following the alleged sexual assault, the officers conducting the detention should not allow the suspect to destroy potential evidence. For example, the suspect should not be allowed to change clothes, urinate, wash hands, smoke, or eat. The officers conducting the detention should avoid questioning the suspect, but should record statements spontaneously or voluntarily made by the suspect while in custody.

Other Resources

The Department Policy also refers to the Sexual Assault Response Network of Central Ohio ("SARNCO"), which is the local sexual assault intervention and prevention program. SARNCO works with local law enforcement and social services agencies to provide medical and social support services to victims of sexual assault

Comparison

The CPD Department Policy is limited in its scope to the steps that a patrol officer should take during the initial response to a report of a sex crime. The Cleveland Division of Police policy (the "Cleveland Policy") is also limited in scope, but focuses exclusively on evidence collection procedures.

In terms of evidence collection, the CPD Department Policy differs from the Cleveland Policy because the patrol officer is not permitted to authorize or pick up a completed Evidence Kit. The Cleveland Policy does not discuss authorization of an Evidence Kit, but does permit any uniformed officer to pick up the Evidence Kit from the hospital. Additionally, the CPD Department Policy provides a specific list of actions that a victim should not take in order to preserve the best quality of physical evidence, while the Cleveland Policy only generally provides that clothing should be placed in a paper bag.

The CPD Department Policy emphasizes that patrol officers responding to reports of sex crimes must be sensitive to the victim, and limits the scope of a patrol officer's duties when

responding to a report of a sex crime to determining the minimum facts necessary to care for immediate medical needs, secure potential evidence, ascertain jurisdiction, and identify suspects. The Cleveland Policy does not identify the responsibilities of the patrol officer that responds to a report of a sex crime, other than those related to evidence collection.

Another key distinction between the CPD Department Policy and the Cleveland Policy is the level of communication between the patrol officer and the Sexual Assault Unit detective. The CPD Department Policy emphasizes that the Sexual Assault Unit detective has primary responsibility for the interview of the victim and the investigation generally. The patrol officer contacts the Sexual Assault Unit directly, and, after a Sexual Assault Unit detective has been assigned, contacts that detective directly. In contrast, the Cleveland Policy provides that the patrol officer is to notify a supervisor of the reported sex crime. The supervisor will then contact the Sex Crimes Unit directly, by telephone, between 8AM and 8PM. If the supervisor is informed of the sex crime between 8PM and 8AM, the supervisor can contact dispatch, who will then use the Cleveland Police Department pager system to contact the Sex Crimes Unit member that is on call.

Additionally, the CPD Department Policy requires the patrol officer to provide a detailed summary of all of the patrol officer's actions to the Sexual Assault Unit Detective. There is no similar requirement for the transfer of information between a Cleveland Police Department Patrol officer and the Sex Crimes Unit.



Columbus Division Of Police Training Supplement

Sexual Assault Investigations and Response

Section II, Issue 3

I. Introduction

Sexual assault is a violent crime that can leave victims feeling humiliated and traumatized.

Because of the sensitive nature of sex-related crimes, the Special Victims Bureau's investigative units have become highly specialized. A unit of detectives work specifically with child victims of sexual assault (15 years of age and under). This unit is assigned to Nationwide Children's Hospital and works out of the Child and Family Advocacy Center.

The Sexual Assault Unit continues to work from headquarters as part of the Special Victims Bureau and detectives respond to sex crimes when the victim is 16 years of age or older. The detectives also respond to and investigate misdemeanor sex crimes such as public indecency.

The patrol officer may be the primary responder on a sexual assault call. The patrol officer must maintain a high level of sensitivity and limit the interview of the victim to minimal facts necessary to care for immediate medical needs. The patrol officer should obtain all information necessary in order to protect and secure potential evidence, ascertain jurisdiction, and identify suspect(s). Once a patrol officer learns that the victim is a child and the allegations involve a sex crime, the patrol officer should limit the questions to the immediate medical needs of the victim. In a case of sexual assault, regardless of the victim's age, the detective from the appropriate unit shall be the person to conduct the in-depth interview of the victim. This Training Supplement provides the patrol officer with guidelines for the initial contact with the victim.

II. Initial Response

- A. When responding to a call that a sexual assault has occurred, determine whether physical injuries are present and request medical assistance, if necessary. Obtain information concerning a suspect and the location of the crime scene and inform Communications Bureau personnel. Refer to Division Directive "Serious Crime Scenes and Guard Duty" for specific information regarding the handling of a serious crime scene.
- B. Determine if the victim is in immediate danger and, if needed, take appropriate measures to ensure the victim's safety. If the victim was assaulted at home and does not wish to leave, attempt to identify and notify a support person who can assist.

- C. Explain to the victim why it is important to receive medical attention even if there are no overt injuries. Medical personnel will check the victim for injuries, test and treat for sexually transmitted diseases, and discuss options if pregnancy is a concern. In addition to addressing medical concerns, only physicians or specially trained Sexual Assault Nurse Examiners will conduct evidence collection procedures to aid in the investigation and identification of the perpetrator.
- D. Determine which Sexual Assault Unit personnel will be responsible for handling the investigation. As soon as practical, contact a detective or supervisor from that unit, explain the situation, and request instruction on how to proceed.

III. Preliminary Interview and Investigation

- A. Once the initial response has been completed and the detective notified, follow the directions of the detective.
- B. Be familiar with the Ohio Revised Code, Chapter 2907 and the elements of sexual assault. For a comprehensive listing of the elements of sexual assault, refer to the Criminal Complaint Manual.
- C. If the victim is willing and able to provide you with information, obtain a detailed physical description of the suspect, the suspect's clothing, and any weapons or vehicles involved. If the victim is unable to assist with this, do not force the issue or make suggestions as to what may have happened.
- D. If the offender is known, attempt to determine the extent of the relationship and the name, address, and other pertinent information about the offender. Relay the information to the appropriate detective(s).
- E. Attempt to locate the crime scene, and determine whether the location is within Columbus' jurisdiction. If not, make appropriate notifications.
 - 1. It may be necessary to have the victim return to the scene to pinpoint the exact location. Do not transport the victim to the alleged crime scene without the detective's consent. Sexual assault victim transports should be done with a two-officer car, and one of the officers should be of the same sex as the victim.
 - 2. Do not transport a child victim back to the crime scene. Keep in mind that viewing the scene may be highly traumatic for the victim, and calming or reassuring the victim may be necessary.
- F. Protect the crime scene based on the victim's statements and the location of physical evidence. Refer to the Training Supplement "Crime Scene Investigation" and Division Directive "Serious Crime Scenes and Guard Duty." Consider the victim and the victim's clothing as a part of the crime scene. If the victim has already changed clothing, identify the clothing and protect it for the purpose of evidence collection. Do not collect or otherwise disturb the clothing worn during the attack. Instruct the victim not to

wash, bathe, shower, douche, eat, drink, smoke, urinate, have a bowel movement, change clothing, or otherwise disturb possible evidence prior to a medical examination. If the victim must urinate, instruct females not to use toilet paper. Once a crime scene has been located and secured, notify the appropriate unit detective. A detective will respond to the secured crime scene, evaluate the necessity for a search warrant, and oversee the collection of evidence by the Crime Scene Search Unit.

- G. If a medical trauma takes precedent, notify the detective which emergency squad transported the victim to the hospital, and to which hospital.
- H. Unless otherwise directed by a detective, patrol officers should not authorize a sexual assault evidence collection kit, nor should they take custody of evidence retrieved by the hospital examiners.
- I. Patrol officers should provide a written summary of their actions beginning with the time of arrival at the crime scene until the transport to the hospital. This is commonly referred to as a "first responder letter," and should be completed and forwarded to the detective as soon as practical.
- J. If a suspect is identified and detained, the officers conducting the detention should immediately notify the detective for further direction. The suspect will not be presented to victim for identification without the detective's knowledge. If the detention is immediately following the alleged sexual assault, the suspect is a prime source of forensic evidence and precautions should be taken to avoid allowing the suspect to destroy potential evidence. For example, the suspect should not be allowed to grab or change into other clothing, urinate, wash hands, smoke, or eat. Officers should avoid questioning the suspect, but should record statements spontaneously or voluntarily made by the suspect while in custody.

Reference

Sexual Assault Response Network of Central Ohio (SARNCO)

EXECUTIVE SUMMARY

Kansas City, Missouri – Requirements Related to Sex Crimes and Offenders

Introduction

The Kansas City Police Department (“KCPD”) is subject to several requirements related to sex crimes and sex offenders which are based on both Missouri state law (the “Statutory Requirements”) and local KCPD policies (the “Department Policy”). These requirements are summarized below.

State Law Requirements

Missouri Statutory Requirements create a sex offender registry to track convicted sex offenders. Individuals convicted of certain offenses are designated as sex offenders, and they are then subject to registration for life, unless the conviction is set aside or one of a small number of exceptions applies. Sex offenders are not classified into formal tiers, although a court may classify an offender as a predatory or persistent sex offender for enhanced sentencing purposes.

Before an offender is released from the custody of a correctional facility or mental health institution, a state official will collect initial registration information from the offender. Sex offenders are then required to register with the sheriff in their county of residence upon release and when there are any changes to their registration information. They must also verify their registration information with the sheriff every six months, while predatory or persistent sex offenders must verify their information every ninety days. The county sheriff is then required to forward the registration information to the Missouri State Highway Patrol (“MSHP”) within three business days, so that the MSHP can update the information on its sex offender web page.¹

Missouri Statutory Requirements provide all victims of sex crimes with a free forensic medical examination, prohibit any government employee from asking or requiring a sex crime victim to submit to a polygraph test as a condition of proceeding with the investigation, and require any information in a court record that could be used to identify or locate a sex crime victim to be redacted prior to public disclosure. Missouri also requires that all individuals placed into the custody of the Department of Corrections (“DOC”) be tested for HIV and tuberculosis, requires the DOC to inform a sex crime victim if the offender tests positive for HIV, and provides free HIV testing for a sex crime victim if the offender tests positive.

Local Requirements

The KCPD’s Department Policy addresses the procedures related to Sexual Assault Treatment Centers. It directs officers to advise sex crime victims of which hospitals have Sexual Assault Nurse Practitioners (the “SANE nurses”), suggests examination of the victim by a SANE

¹ The web page is located at <http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>.

nurse as soon as the crime is reported, and provides that officers are not required to remain with the victim until the examination is completed unless there is reason to fear for the victim's safety or there is a specific request from investigative personnel.

The Department Policy also directs officers to contact the Sex Crimes Section for assistance.

Comparison of Requirements for Kansas City Police Department and Requirements for Cleveland Division of Police

The Missouri and Ohio sex offender registry programs are similar in many respects. Both programs require similar registration information, require periodic registration, and place the registration responsibility on county sheriffs, although there are distinct differences. Note also that Missouri (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Missouri does not classify offenders into tiers, although a court may classify a person as a predatory or persistent sexual offender, while Ohio classifies sex offenders into one of three tiers based on the crime committed. Missouri also requires all sex offenders to register for life, with a few exceptions, while Ohio's registration term varies based on the sex offender's tier. In Missouri, a state official in charge of a correctional facility or mental health institution is required to initially register a convicted sex offender before the offender is released from custody, while in Ohio, the sex offender is taken to the sheriff of the county where the conviction occurred immediately after sentencing for registration.

Missouri and Ohio Statutory Requirements related to sex crimes are also similar in many respects. Both states prohibit government employees from asking or requiring a victim of an alleged sex crime to submit to a polygraph examination as a condition of proceeding with the investigation of the crime. Both states also provide sex crime victims with free forensic medical examinations and notify the victim if the offender tests positive for HIV, and Missouri will pay the cost of HIV testing for the victim if the offender tests positive. Both states have provisions related to victim privacy, but Missouri law requires redaction of all identifying information in any court record prior to public disclosure, while Ohio law requires a judge in a sex crime prosecution, upon request of either party, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Ohio law also requires that a rape victim be interviewed by an officer who has received crisis intervention training when available.

The KCPD's Department Policy is quite different than that of the Cleveland Division of Police (the "CPD") as related to sex crime investigations. The KCPD's Department Policy focuses on sexual assault treatment centers, while the CPD's Department Policy focuses mainly on evidence collection.

The KCPD's Department Policy requires officers to advise sex crime victims of the hospitals with SANE nurses, and to have the victim transported to the nearest hospital with a SANE nurse if the victim is unable to decide. The KCPD's Department Policy also states that a SANE nurse should examine the victim as soon as the offense is reported, and it informs officers that they need not remain with the victim until the examination is completed, unless there is reason to fear for the victim's safety or a specific request from investigators. Officers are also directed to contact the Sex Crimes Section with any questions.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may notify the Chief Dispatcher to page the Sex Crimes Unit member on call depending on conditions such as the brutality of the crime, the physical state of the victim, and the victim's age. Also, according to interviews conducted by the Commission, sex crime victims in Cleveland, as in Kansas City, are transported to hospitals with SANE nurses whenever possible even though the Department Policy does not contain a requirement to do so.

SUMMARY

Kansas City, Missouri – Requirements Related to Sex Crimes and Offenders

Kansas City has a population of 451,454, and the Kansas City Police Department (“KCPD”) employs 1,325 police officers. Crime in the United States 2008. There were 288 forcible rape reports in 2007, 248 reports in 2008, and 128 reports in 2009 through June. Crime in the United States 2007; Crime in the United States 2008; Crime in the United States 2009 (preliminary). Forcible rapes, as used here, are rapes by force including any attempts or assaults to commit rape by force or threat of force.

Sources of Authority Regarding Kansas City, Missouri, Police Department Requirements Related to Sexual Crimes and Offenders

There are two levels of authority that establish the requirements that the KCPD must comply with in relation to sexual crimes and offenders: (1) Missouri Revised Statutes sections 43.650, 191.226, 191.659, 558.018, 566.224, 566.226, 589.400, 589.403, 589.405, 589.407, 589.410, 589.414, 589.425, and 595.220 (the “Statutory Requirements”); and (2) the Kansas City Police Department Procedural Instruction 08-6 (the “Department Policy”). All sources referenced in this Summary are attached.

The requirements set forth in each of the sources of authority are summarized below.

State Law Requirements

I. Sex Offender Registry

The Missouri legislature has enacted a sex offender registration program under which persons found guilty of certain sexually-related offenses are required to register with the state and/or county, enabling them to be tracked by state officials. The registration program is outlined below.

A. *Who Qualifies as a Sex Offender*

The provisions of the Missouri Sex Offender Registry apply to any person convicted of, found guilty of, or who pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit any of the following offenses:

- Forcible rape;
- Statutory rape in the first or second degree;
- Sexual assault;
- Forcible sodomy;

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- Statutory sodomy in the first or second degree;
- Child molestation in the first degree;
- Deviate sexual assault;
- Sexual misconduct involving a child;
- Sexual contact with a student while on public school property;
- Sexual abuse;
- Enticement of a child;
- Age misrepresentation (which consists of misrepresenting one's age with the intent to use the internet to engage in criminal sexual conduct involving a minor);
- Trafficking for the purpose of sexual exploitation;
- Sexual trafficking of a child;
- Contributing to human trafficking;
- Promoting prostitution in the first, second, or third degree;
- Sexual exploitation of a minor;
- Promoting child pornography in the first or second degree;
- Possession of child pornography;
- Furnishing pornographic materials to minors;
- Public display of explicit sexual material;
- Coercing acceptance of obscene material;
- Promoting obscenity in the first degree;
- Promoting pornography for minors or obscenity in the second degree;
- Incest;
- Use of a child in a sexual performance; and
- Promoting sexual performance by a child.

(Mo. Rev. Stat. § 589.400).

B. Registration

Once the provisions of the sex offender registry apply to a person, that person is subject to the registration requirements for his or her entire life, unless the conviction is set aside or certain other specific statutory requirements are met.¹ (Mo. Rev. Stat. § 589.400).

¹ Individuals convicted of nonsexual child abuse, or of felonious restraint or kidnapping when the victim was their child, may have their names removed from the registry, and individuals convicted of one of several other offenses may petition the court to have their names removed from the registry after a period of registration.

Within three days of conviction, release from incarceration, or placement on probation, any offender subject to registration must register with the chief law enforcement official of the county (or the city if the city is not within a county) in which such person resides, unless the person has already registered in that county for the same offense. If a person subject to registration is paroled, discharged, or otherwise released from any correctional facility or mental health institution, the official in charge of the facility or institution is required to complete the initial registration prior to release and forward it, within three days, to the chief law enforcement officer of the county where the person expects to reside upon discharge, release, or parole (or to the Missouri State Highway Patrol (“MSHP”) if the person expects to reside out of state). If a person subject to registration is released on probation, discharged upon payment of a fine, or released after confinement in a county jail, the court is required to obtain the address where the person expects to reside and report it, within three days, to the chief law enforcement official of the county where the person expects to reside. (Mo. Rev. Stat. §§ 589.400, 589.403, 589.405).

Any offender subject to registration is required to complete an offender registration form developed by the MSHP. The form is required to include, at a minimum, the following information:

- A statement, in writing, signed by the offender, providing all of the following:
 - The person’s name, address, phone number, and social security number;
 - The license plate number and vehicle description (including year, make, model, and color) of each vehicle owned and operated by the offender;
 - Any online identifiers used by the person;
 - The person’s place of employment;
 - Enrollment at any institution of higher learning;
 - The crime which requires registration;
 - The date, place, and a brief description of such crime;
 - The date and place of the conviction or plea regarding the crime;
 - The age and gender of the victim at the time of the offense;
 - Whether the person was sentenced as a persistent or predatory offender;² and
 - Whether the person successfully completed the Missouri sexual offender program.

² A “persistent sexual offender” is one who has, before the current offense, previously pleaded guilty to or has been found guilty of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of these crimes. A “predatory sexual offender” may be one who meets the requirements to be a persistent sexual offender, or has committed one of the above-listed acts whether or not the act resulted in a conviction, or has committed one of the above-listed acts with more than one victim whether or not the defendant was charged with an additional offense as a result of such act. (Mo. Rev. Stat. § 558.018).

- The fingerprints, palm prints, and a photograph of the person; and
- A DNA sample, if one has not already been obtained.

(Mo. Rev. Stat. § 589.407).

The chief law enforcement official is required to forward the completed form to the MSHP within three business days. The MSHP must then enter the information into the Missouri Uniform Law Enforcement System where it is available to members of the criminal justice system and other entities as provided by law. (Mo. Rev. Stat. § 589.410).

If a person subject to registration changes addresses within a county, or changes name, employment, or student status, that person is required to appear in person to the chief law enforcement official of the county within three business days to inform the official of such changes. If a person subject to registration changes addresses to a different county, that person is required to appear in person to the chief law enforcement officials of both the old county of residence and the new county of residence within three business days to inform the officials of such changes. In all cases, the chief law enforcement official of the county where the offender previously registered must forward the changes to the MSHP within three business days. (Mo. Rev. Stat. § 589.414).

All registrants are required to report twice a year to the chief law enforcement agency to verify the information on record. In addition, all predatory or persistent sexual offenders, along with any offenders previously found guilty of failing to register or submitting false information, are required to verify their information every ninety days. Failure to register as a sex offender is, in itself, a felony. (Mo. Rev. Stat. §§ 589.414, 589.425).

C. Dissemination

The MSHP is required to maintain a web page on the internet which includes a registered sex offender search capability.³ The registry must be searchable by name, zip code, and by typing an address and specifying a radius from that address. The information contained on the web site must include:

- The name and any known aliases of the offender;
- The date of birth and any known alias dates of birth of the offender;
- A physical description of the offender;
- The residence, temporary, work, and school addresses of the offender, including the street address, city, state, and zip code;
- Any photographs of the offender;
- A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

³ The web page is located at <http://www.msdp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>.

- The nature and dates of all offenses qualifying the offender to register;
- The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- Compliance status of the offender with the registration provisions; and
- Any online identifiers used by the person.

(Mo. Rev. Stat. § 43.650).

II. Other Statutory Requirements

A. *Polygraph Tests Not Allowed*

No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency is permitted to request or require a victim of sexual assault or forcible rape to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime. (Mo. Rev. Stat. § 566.224).

B. *Suppression of Victim's Identity*

Any information contained in any court record, whether written or published on the internet after August 28, 2007, that could be used to identify or locate any victim of sexual assault, domestic assault, stalking, or forcible rape must be redacted prior to disclosure to the public. As used here, identifying information includes the name, home or temporary address, telephone number, social security number, or physical characteristics of the victim. If a court determines that a person or entity has a legitimate interest in obtaining this information, the court may allow access to the information only if it determines that disclosure would not compromise the welfare or safety of the victim. (Mo. Rev. Stat. § 566.226).

C. *HIV Testing*

The state is required to test all individuals placed into the custody of the Department of Corrections ("DOC"), along with all individuals released or discharged from facilities operated by the DOC, for HIV and tuberculosis. The DOC is required to inform the victim of any sexual offense of any confirmed positive results of HIV testing performed on the offender. (Mo. Rev. Stat. § 191.659).

The state will pay the cost of HIV testing for a victim of the crimes of rape, sodomy, or incest, if the person convicted of the crime is determined to be infected with HIV based on the testing conducted when the offender was placed into the custody of the DOC. (Mo. Rev. Stat. § 191.226).

D. Free Medical Examination

The Department of Public Safety is required to pay the cost of a forensic medical examination of any person who may be a victim of a sexual offense, so long as the victim consents to the examination and the report is made on a form approved by the state attorney general. (Mo. Rev. Stat. § 595.220).

Local Requirements

The Department Policy is the KCPD's written procedure directed to the Sex Crimes Section of the Special Victims Unit, and it addresses only the policy of the department as related to Sexual Assault Treatment Centers.

The Department Policy provides that:

- The victim should be examined by a Sexual Assault Nurse Practitioner (a "SANE nurse") as soon as the crime is reported in order to properly investigate the sex crime. A SANE nurse is one who is specially trained in the recognition and collection of evidence, and such nurses often deal with sexual assault victims and, according to the Department Policy, are preferred by those involved in the investigation and prosecution of the offense;
- Victims who are at least 17 years old should be advised of hospitals with SANE nurses. The victim may then choose one of those hospitals, or some other hospital, for treatment;
- If a victim is given the information on hospitals with SANE nurses and is unable to decide, the victim should be transported to the geographically closest hospital with a SANE nurse;
- Emergency medical services will determine which hospital is appropriate for treating a rape victim who has a serious physical injury; and
- Law enforcement personnel are not required to remain with the victim until the sexual assault examination is completed unless there is reason to fear for the victim's safety or there is a specific request from investigative personnel. A member of the KCPD's Crime Scene Investigations Section will collect the sexual assault kit from the hospital.

If any law enforcement officer has questions related to the Department Policy, the officer is directed to contact the Sex Crimes Section for assistance.

Comparison of Requirements for Kansas City Police Department and Requirements for Cleveland Division of Police

The Missouri and Ohio sex offender registry programs are similar in many respects, in that both programs require similar registration information, require periodic registration, and place the registration responsibility on county sheriffs, although there are distinct differences. Note also that Missouri (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

Missouri does not classify offenders into tiers, although a court may classify a person as a predatory or persistent sexual offender, while Ohio classifies sex offenders into one of three tiers based on the crime committed. Missouri also requires all sex offenders to register for life, with a few exceptions, while Ohio's registration term varies based on the sex offender's tier. In Missouri, a state official in charge of a correctional facility or mental health institution is required to initially register a convicted sex offender before the offender is released from custody; in Ohio, the sex offender is taken to the sheriff of the county where the conviction occurred immediately after sentencing for registration.

Missouri and Ohio Statutory Requirements related to sex crimes are also similar in many respects. Both states prohibit government employees from asking or requiring a victim of an alleged sex crime to submit to a polygraph examination as a condition for proceeding with the investigation of the crime. Both states also provide sex crime victims with free forensic medical examinations and notify the victim if the offender tests positive for HIV, and Missouri will pay the cost of HIV testing for the victim if the offender tests positive. Both states have provisions related to victim privacy, but Missouri law requires redaction of all identifying information in any court record prior to public disclosure, while Ohio law requires a judge in a sex crime prosecution, upon request of either party, to suppress the names of the victim and offender, along with details of the offense, until a preliminary hearing. Ohio law also requires that a rape victim be interviewed by an officer who has received crisis intervention training when available.

The KCPD's Department Policy is quite different than that of the Cleveland Division of Police (the "CPD") as related to sex crime investigations. The KCPD's Department Policy focuses on sexual assault treatment centers, while the CPD's Department Policy focuses mainly on evidence collection.

The KCPD's Department Policy requires officers to advise sex crime victims of the hospitals with SANE nurses, and to have the victim transported to the nearest hospital with a SANE nurse if the victim is unable to decide. The KCPD's Department Policy also states that a SANE nurse should examine the victim as soon as the offense is reported, and it informs officers that they need not remain with the victim until the examination is completed, unless there is reason to fear for the victim's safety or a specific request from investigators.

The CPD's Department Policy defines how to collect various types of evidence. It also directs officers to immediately contact their supervisor if a sex crime occurs between 8:00 a.m. and 8:00 p.m. The supervisor is then directed to contact the Sex Crimes Unit by telephone. Between 8:00 p.m. and 8:00 a.m., the supervisor may notify the Chief Dispatcher to page the Sex Crimes Unit member on call depending on conditions such as the brutality of the crime, the physical state of the victim, and the victim's age. Also, according to interviews conducted by the Commission, sex crime victims in Cleveland, as in Kansas City, are transported to hospitals with SANE nurses whenever possible even though the Department Policy does not contain a requirement to do so.



KANSAS CITY, MO. POLICE DEPARTMENT

DATE OF ISSUE

08-26-08

EFFECTIVE DATE

08-26-08

NO.

08-6

PROCEDURAL INSTRUCTION

SUBJECT

Special Victims Unit (SVU)

AMENDS

REFERENCE

Procedural Instruction Arrest Guidelines
www.moga.mo.gov/statutes/statutes.htm
Intranet/Juvenile webpage
Pocket Reference Guide, Form 321 P.D.

RESCINDS

Procedural Instruction: 95-8; 02-1; 03-8
Department Memorandum: 99-2; 05-20; 05-26; 08

I. INTRODUCTION

Special Victims Unit is comprised of three sections, the Domestic Violence Section, the Crimes Against Children Section, and the Sex Crimes Section (which includes the Sex Crimes Cold Case Squad). For further information refer to the Violent Crimes Division Duty Manual.

II. ANNEXES

This directive is arranged in annexes for easy reference.

Annex A - Domestic Violence Section

Annex B - Sex Crimes Section

Annex C - Crimes Against Children Section

Annex D - Reference Table for SVU Investigations

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2008.

Terry J. Brady
President

DISTRIBUTION: All Department Personnel
Post on all bulletin boards for two weeks
Public View Master Index – Internet
Department Master Index – Intranet

DOMESTIC VIOLENCE SECTION**A. Domestic Violence****1. General Information**

- a. When probable cause exists, an arrest will be made and the Domestic Violence Section will be notified from the scene. When the Domestic Violence Section is not available, another section within the Special Victims Unit will be contacted.
- b. All cases of domestic violence incidences will be reported.
- c. All General Ordinance Summons (GOS) will be set for the next available court date at 0900 hours in Court Room E. (Based on 0000 hours being the beginning of a new date.)
- d. Members will inform the victim that there are assistance services available from both public and private agencies. Members will provide or arrange transportation to an abuse shelter for those victims fearful for their safety or to a police facility where victims may arrange for their own transportation to other locations, i.e. relatives, friends.
- e. Members will ensure that the victim receives a copy of the Adult Abuse Information, Form 157 En P.D./157 SPAN P.D.

2. Probable Cause/Keeping the Peace

- a. The probable cause standard, as it relates to domestic violence, is no different from probable cause for any other arrest situation. If probable cause can be established and a primary aggressor is determined charges will be sought.
- b. When called to preserve the peace during a domestic dispute involving persons living in the same residence, who are attempting to determine the right of custody of certain property e.g., clothing, appliances, the officer will make no determination of who will take custody of the property or assist in any property removal, but will simply keep the peace. The officer may advise the parties to contact legal counsel to determine the method of resolving property disputes.

3. Release of Prisoner

When the arrestee is able to post bond prior to 0500 hours a copy of the report, the original (top) copy of the GOS along with the pink and buff copies of the subpoena will be transferred to the Domestic Violence Section prior to 0600 hours. If the Domestic Violence Section personnel are not available, the information will be left in the mailbox outside the Domestic Violence Section. The arrest will be advised to appear in Municipal Court as indicated on the GOS, at 0900 hours in Court Room E.

B. Orders of Protection (Ex-Parte/Full Orders of Protection)

1. General Information

- a. Copies of the Order of Protection are furnished to the appropriate county law enforcement agency and petitioner by the issuing court. The Order of Protection will include renewal and expiration dates.
- b. When an officer determines there is probable cause to believe that an Order of Protection has been violated, the officer will effect an arrest.
- c. **The Domestic Violence Section will be notified, from the scene, on any incident involving an Order of Protection.**

2. Service of an Order of Protection

- a. When an officer determines that an Order of Protection has not been served to a respondent the officer will verify existence of the order by contacting the county law enforcement agency where the petitioner resided at the time of issuance. If the Order of Protection was obtained from:
 - (1) The Circuit Court of Jackson County, Missouri at Kansas City, the officer will contact the Warrant Desk of the Kansas City, Missouri Police Department, to verify existence.
 - (2) The Circuit Court of Jackson County, Missouri at Independence, the officer will contact the Independence, Missouri Police Department to verify the existence of the order.
 - (3) Any other court, the officer will contact the issuing county law enforcement agency to verify existence.
- b. The officer will endorse the reverse side of all copies with his/her signature, serial number, date, and time notice was given. The officer will retain the blue "Return for Service" copy on all Orders of Protection that are issued by the Circuit Court of Jackson County, Missouri at Kansas City. When an Order of Protection is obtained from any other court, the petitioner will be responsible for returning the "Return for Service" copy. The officer will advise the petitioner to contact the issuing agency and notify them of the existence of service.
- c. Complete the appropriate report. The officer will include the issuing court's name and court order number in the narrative of his/her report. If any offense has occurred the officer will complete a report and include the service of the Order of Protection in the narrative.
- d. When no other offense has occurred and the officer is unable to verify that an order exists, but the victim claims an order has been obtained, a report will be completed and routed to the Domestic Violence Section for further investigation.

3. Order of Protection Violations

- a. Contact the county law enforcement agency where the petitioner resided at the time of issuance and verify the existence and service of the Order of Protection.
- b. If probable cause exists to believe that a violation of an Order of Protection has occurred, arrest the respondent, if applicable.
- c. If service has been rendered, completed a report. The agency contacted and the person verifying the order should be included in the narrative of the report.

4. Child Custody Provision Within Orders of Protection

- a. When service has been rendered, the officer will adhere to the orders set forth by the judge, within the Order of Protection.
- b. If the existence of an Order of Protection or child custody provision cannot be verified, the officer will complete a report and forward a copy to the Domestic Violence Section.
- c. If verified and probable cause exists to believe that a violation of an Order of Protection has occurred, the officer will arrest the respondent, if present.

5. Ex Parte Orders Obtained After Regular Court Hours

When officers come in contact with a victim that is in need of an Ex Parte Order after regular court hours, or on the weekend, the officer will contact the Domestic Violence Section. The Domestic Violence Section will refer the officer to the proper location for the victim to obtain the Ex Parte Order. If the victim wishes to seek shelter and space is available, the officer will transport the victim to the shelter. If the victim does not wish to go to a shelter but does want to obtain an Ex Parte Order, the officer should transport the victim to and from the proper locations to complete the necessary paperwork. If it appears the completion of the paperwork will take an excessive amount of time, the officer will advise the victim to contact the desk sergeant when they are completed. The desk sergeant will then contact the dispatcher to have an officer respond to provide transportation for the victim.

C. Harassment/Intimidation

1. General Information

- a. Refer to Annex D of this directive to determine the appropriate investigative element.
- b. When a probable cause arrest of the suspect is made contact the appropriate investigative element, from the scene, to determine if charges will be filed at that time.

2. Harassment Guidelines

- a. When an officer is notified of telephone harassment, the officer will advise the victim to contact their service provider to initiate a phone trace.

NOTE: The location of occurrence will be wherever the phone calls were received.

- b. Harassment regarding a previously reported crime – If the phone calls or letters are received by a victim/witness in regard to a previously reported crime an officer will be dispatched to the scene and will:
 - (1) Determine the nature of the previously reported crime and if the case is still pending a court disposition.
 - (2) Notify the appropriate investigative element that handled the original offense.
 - (3) Complete a report, supplemental to the original complaint number and forward to the appropriate investigative element.
- c. Harassment NOT related to a previously reported crime – The call-taker receiving the information will determine if an officer is dispatched or if alternative procedures are appropriate e.g., walk-in, phone-in reports.
- d. Recover any evidence pertinent to the offense.

SEX CRIMES SECTION**A. Sexual Assault Treatment Centers**

1. Emergency medical services will make the determination of the appropriate hospital when dealing with a rape victim who has serious physical injury.
2. To properly investigate some sex offenses, the victim must be examined by a Sexual Assault Nurse Examiner (S.A.N.E.) as soon as the offense is reported. A S.A.N.E nurse is specially trained in the recognition and collection of evidence. They deal with sexual assault victims and are preferred by those involved in the investigation and prosecution of the offense. Call the appropriate investigation section for the current hospitals participating in the S.A.N.E. program.
3. Adult victims (17 years of age and older) should be advised of the hospitals participating in the S.A.N.E. program. The victim should be afforded the opportunity to pick from these hospitals, or transport the victim to a hospital of their choosing.
4. If the victim is given the information on the S.A.N.E. hospitals and is unable to decide, they will be transported to the S.A.N.E. hospital that is geographically closest.
5. Child victims (under the age of 17) will be treated at Children's Mercy Hospital. Officers will advise follow-up interviews are required.
6. Law enforcement personnel will not be required to stand-by with the victim until the sexual assault kit is completed, unless there is reason to fear for the victim's safety or specifically requested by the investigative personnel. The Crime Scene Investigations Section will collect the sexual assault kit from the hospital.

- B. If there are any questions, the officer should contact the Sex Crimes Section or the Crimes Against Children Section for assistance.

CRIMES AGAINST CHILDREN SECTION

A. Child Custody Violations

1. The welfare of a child is of primary importance in incidents of child custody violations.
2. This section addresses alleged child custody violations, **excluding** those involving Orders of Protection (see Annex A of this directive if an Order of Protection exists.)
3. **Contact the Crimes Against Children Section on all alleged child custody violations for specific instructions.**
4. Probable cause arrests will not be made for Child Custody Violations unless a Crimes Against Children Section detective determines exigent circumstances exist that do not allow adequate time to obtain a warrant.
5. The report will be completed if the child was taken from a location within the city limits of Kansas City, Missouri.
6. If an officer determines that a valid court order exists and the parent has violated that court order, the officer will complete a report. Copies of any court order/documents should be scanned and indexed into the imaging system under the original case report number.

B. Child Abuse, Endangerment, and Abandonment

1. General Information

- a. Officers responding to the initial call for service are required by law to report actual or suspected cases of physical abuse, sexual abuse, endangerment, or abandonment to the Child Abuse Hotline as soon as possible. Officers should include in the report the name of the person contacted at the Child Abuse Hotline and the operator's number.
- b. Alleged suspects, 17 years of age or older, in child abuse, endangerment, or abandonment cases will be processed in accordance with the current written directive entitled, "Arrest Guidelines." Persons 16 years of age and under will be processed in accordance with procedures outlined in Section C of this Annex.
- c. **Officers must contact the Crimes Against Children Section prior to taking a child into temporary protective custody.** Child abuse laws in Missouri give officers the authority to take a child into temporary protective custody when reasonable suspicion exists to believe the child is in imminent danger. Consent by the child's parents/guardians or those legally responsible for the care of the child is not required.

2. Child Abuse, Endangerment, Abandonment, or Sexual Abuse

Officers encountering a situation in which they have reasonable suspicion to believe child abuse, endangerment, abandonment, or sexual abuse has occurred will contact the Crimes Against Children Section for specific instructions.

3. Protective Custody

Officers may be dispatched to meet Children's Division (CD) caseworkers and may be requested to take abused or endangered children into protective custody. Upon authorization from the Family Court, CD caseworkers can take children into protective custody.

4. Emergency Protective Custody

- a. An officer that has cause to take a child into emergency protective custody will contact the Crimes Against Children Section and provide the circumstances.
- b. If Crimes Against Children Section personnel indicate that emergency protective custody is justified, the officer will immediately contact the Child Abuse Hotline. The officer will inform the operator that he/she have an "Emergency Protective Custody Situation" and he/she needs an "Immediate Response."
- c. Upon the CD caseworkers' arrival at the scene, the officer will fill out the State of Missouri CS-33 Form provided by the worker. This form authorizes the worker to take the child from the officer and place the child in a safe house.
- d. Upon clearing the scene, the officer will immediately hand carry the green copy of the CS-33 to the Crimes Against Children Section. The officer will then ensure the applicable offense report or miscellaneous juvenile report is completed prior to leaving the Crimes Against Children Section. The report will detail the circumstances behind the emergency protective custody.

5. "Safe Place for Newborns Act of 2002"

- a. The purpose of this act is to "protect newborn children from injury and death caused by abandonment" and exempts the relinquishing parent from prosecution. The statute allows a parent to safely relinquish their newborn child that is no less than five days old but no more than one year old.
- b. Officers will notify the Crimes Against Children Section for specific instructions when:
 - (1) An officer encounters a situation where an individual claims to be the parent of a child, who wants to relinquish custody of a child that the officer reasonably believes to be no more than one year old.

- (2) The officer is dispatched to meet fire department personnel regarding an abandoned newborn.
- (3) The officer is dispatched to a hospital where a newborn child has been left in the care of hospital staff.

C. Apprehension/Questioning of Juveniles

1. Probable cause must exist before juvenile suspects are apprehended. The apprehending officer will:
 - a. Notify the Crimes Against Children Section, by phone, of the reason for the apprehension and to receive specific instructions.
 - b. Not interrogate the juvenile. Volunteered utterances or admissions, given by a juvenile following apprehension are admissible providing they are **unsolicited**.
 - c. **Notify the parent/guardian of the apprehension** as soon as possible. The date and time of notification, or attempted notification, will be recorded in the report(s).
2. If the juvenile lives in an area other than where he/she was apprehended and his/her residence has no phone, the apprehending officer will make arrangements for a patrol officer to make the notification either at the residence or place of employment of the parent/guardian. Notification results will be documented in the report. The Crimes Against Children Section will continue notification efforts if notification by the apprehending officer is not successful.
3. Juvenile victims/witnesses of crimes **may be questioned in connection with offenses for which they are not a suspect**. Information concerning the questioning will be included in the report.

D. Certified Juvenile

1. Once certified, the juvenile will be handled and incarcerated as an adult for any future felony or misdemeanor arrests.
2. When an officer initiates a computer check, the dispatcher will notify the officer if the juvenile is a "**CERTIFIED JUVENILE**."

E. Transporting a Juvenile

1. Children less than four years of age, regardless of weight, will be secured in a child passenger restraint system appropriate for that child.
2. Children weighing less than forty pounds, regardless of age, will be secured in a child passenger restraint system appropriate for that child.
3. Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet nine inches in height, will be secured in a child passenger restraint system or booster seat appropriate for that child.

4. Children at least eighty pounds or children more than four feet, nine inches in height will be secured by a vehicle safety belt or booster seat appropriate for that child.

F. Release of Juvenile Records

1. General Information

- a. Records involving a juvenile suspect or victim, for an offense occurring in Jackson County, may be obtained from any patrol division station or the Records Unit. This information may be provided to:
 - (1) Any person involved in an incident for the purpose of an investigation of any civil claim or defense.
 - (2) Any attorney for a person involved in an incident for purposes of investigation of any civil claim or defense.
 - (3) Any insurer of a person involved in any incident for purposes of investigation of any civil claim or defense.
- b. Except as outlined above, law enforcement records of juveniles will not be open to the general public for inspection, nor will the contents of the records be disclosed. This includes all reports taken in Clay, Cass, or Platte Counties.
- c. Records of abused/neglected juvenile victims will be kept confidential and will not be released except by order of the court.

2. Information Released to School Districts

The department may provide police reports to school districts concerning criminal or delinquent acts alleged to have been committed by a juvenile on the property of the school district or upon a bus being operated for the purpose of transporting students to or from the school.

G. Truancy

Juveniles between the ages of seven years old and fifteen years old must regularly attend a day school not less than the entire term of the school. Officers are authorized to apprehend a juvenile who is found to be truant from school. However, officers should first return the subject to school since that is the intent and purpose of the law. The following procedures will be followed when taking a juvenile into custody for truancy:

1. No school will deny admittance to a student who meets age and residency requirements for admittance to school unless appropriate procedures for suspension or expulsion have been complied with and determination of guilt is made.
2. The officer will verify the student is, in fact, truant and not suspended or absent from school with parental consent. Students who have a legitimate reason for being absent from school will be released.

3. For evidentiary purposes, verification of truancy will include how truancy status was determined, who was contacted at the student's school, the number of days truant and, if possible, a reproduction of the student's absentee record. The principal, vice principal, or designee will be the complainant in these cases.
4. When the student is accepted by the appropriate school authorities or by their parent/guardian, the officer will complete the appropriate report.
5. When the appropriate school authorities refuse to accept the student back in school, the officer will contact the Crimes Against Children Section for further instructions.

H. Status Offenders

1. Status Offender is defined as "those juveniles whose conduct would not be a crime if committed by an adult" e.g., curfew violation, runaway, beyond parental control. **Status Offenders will not be transported to the Crimes Against Children Section or any detention facility.**
2. When an officer comes into contact with a reported status offender, the officer will determine if the juvenile's present behavior is injurious to the juvenile or others. If the officer determines that injurious behavior is being displayed, officers will transport the juvenile to the appropriate facility. The parent/guardian must respond to the facility to sign them in.
3. In the absence of any **documented offense** or **injurious behavior** being displayed by the juvenile, officers will not transport the juvenile. Officers will inform parents/guardians of their responsibility to seek assistance from the family/juvenile court. Contact can be made with the Crimes Against Children Section to discuss the particular problem for referral information.

I. Traffic Violators

1. Juveniles Age Fifteen and One-Half Years or Older

When a juvenile who is at least 15 ½ years old is alleged to have violated a municipal traffic ordinance or a non-felony state traffic regulation will be treated in court as an adult traffic violator. (See written directives entitled "Arrest Guidelines" and "Intoxicated Driving Arrests.")

- a. Traffic tickets issued to juveniles will be set on the officer's regular court date.
- b. Juveniles will be released on a signature bond.
 - (1) Juveniles are not to be detained in a jail or other adult detention facility, where they will have any contact with adult prisoners. This provision includes total "sight and sound" separation.
 - (2) At no time will the juvenile traffic violator be held in excess of six hours.

2. Juveniles Under Age Fifteen and One-Half Years Old

- a. Each Uniform Traffic Ticket (UTT) issued to a juvenile will have the word "JUVENILE" printed in large block letters across the lower left quadrant of the ticket. The officer will print the county, in which the UTT was issued, next to the word "JUVENILE". Do not place the juvenile's fingerprint on the back of the police record copy (buff) of the UTT. **Do not** enter a court date on the UTT.
- b. Any vehicle operated by a juvenile who is charged with a traffic violation will be towed unless the vehicle can be released to its legal owner.

NOTE: Alternatives to towing a vehicle, as stated in the current written directive entitled, "Towing and Protective Custody of Towed and Abandoned Vehicles," are not applicable.

- c. When apprehended, juveniles may be released at the scene to a parent/guardian.
3. Juveniles with outstanding traffic warrants, which require the posting of bond, will not be transported to any juvenile detention center. Contact the Crimes Against Children Section for proper handling.
4. For procedures regarding juveniles driving under the influence, see the current written directive entitled, "Intoxicated Driving Arrests."

J. Capias Warrants

1. Legal limitations and restrictions on apprehensions of juvenile capias warrant subjects are comparable to adult arrest warrants. Refer to the written directive entitled, "Detaining and Questioning Persons; Arrest; Search and Seizure."
2. The apprehending officer will document the apprehension on the Daily Activity Report.
3. Juveniles apprehended on the authority of a capias warrant will be transported as follows:
 - a. Jackson County - Jackson County Family Court (JJC). Notify JJC before transporting.
 - b. Clay and Platte County - Contact Crimes Against Children Section prior to transporting.
 - c. Cass County - South Patrol Division. The apprehending officer will immediately contact the Cass County Juvenile Justice Center to determine the location of the original capias warrant and obtain instructions for the completion of the return portion of the warrant. The apprehending officer will also be advised of the appropriate detention facility where the juvenile will be taken.

K. Missouri Division of Youth Services

1. When an officer receives a request from the Missouri Division of Youth Services for the apprehension of a juvenile, the officer has the authority and responsibility to take the juvenile into custody.
 - a. Juveniles detained in Jackson County for the Division of Youth Services will be administratively processed through the Crimes Against Children Section.
 - b. Juveniles detained in Clay and Platte Counties will be transported to North Patrol Division or Shoal Creek Patrol Division, where the Crimes Against Children Section will be contacted by phone.
 - c. Juveniles detained in Cass County will be transported to South Patrol Division where the Crimes Against Children Section will be contacted by phone.
2. All members will cooperate with Missouri Division of Youth Services personnel in apprehending and detaining juveniles under their care and guidance. Information concerning detainment of a juvenile for the Division of Youth Services will be included in the report.

NOTE: Missouri Division of Youth Services is synonymous with the Missouri Department of Correction on the adult side.

L. Missing/Runaway Juveniles

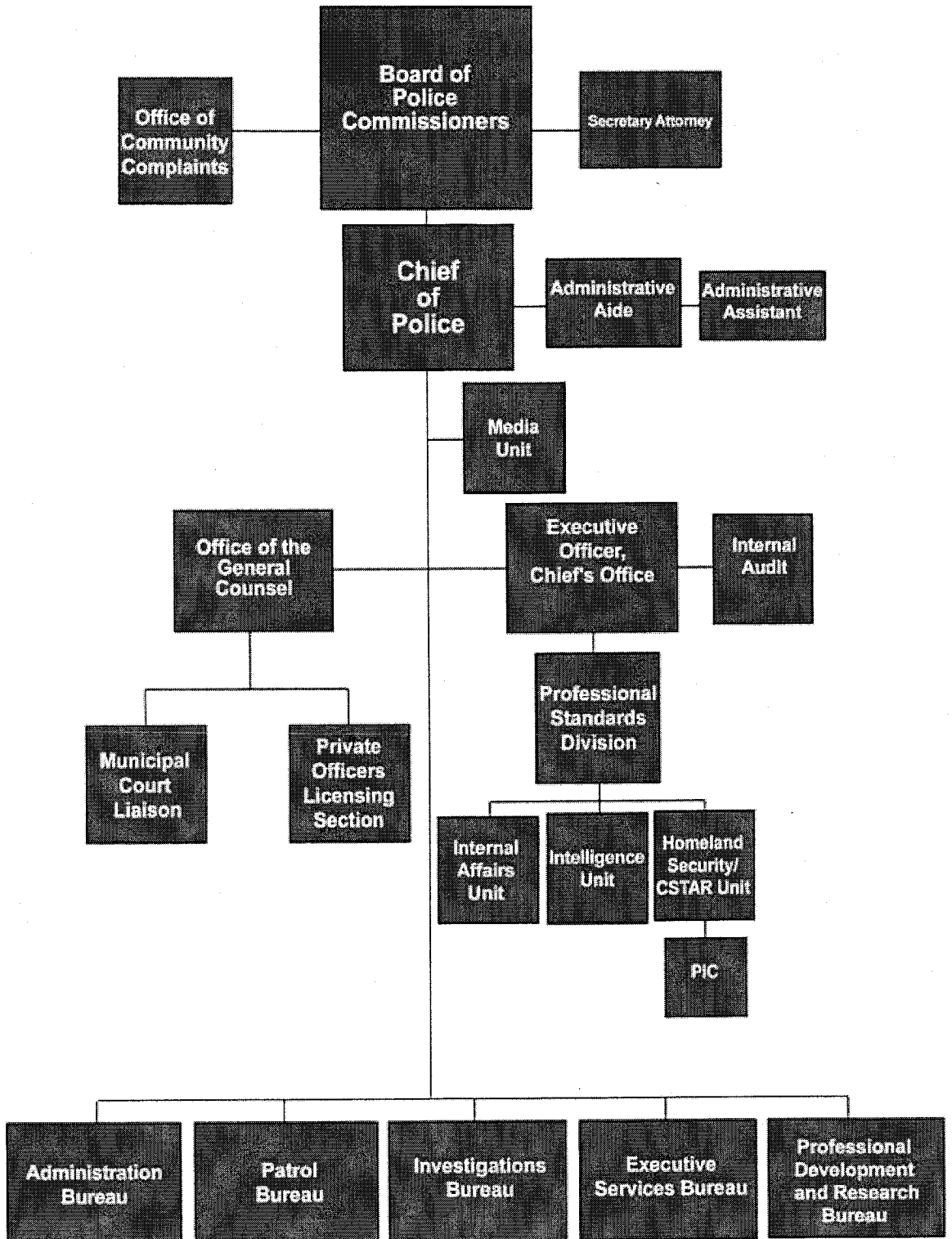
1. Missing/Runaway juvenile record keeping is performed by the Crimes Against Children Section. A missing/runaway juvenile is a status offense, not a criminal offense. Citizens will be advised that missing/runaway juveniles located by law enforcement **will not** be transported to a juvenile detention facility, instead, will be returned to the parent/guardian's custody. The Crimes Against Children Section does not investigate missing/runaway juveniles unless exigent circumstances exist that support an abduction or kidnapping or the child may be in danger of serious physical harm or death.
2. All calls from parents/guardians who advise their child is missing or has run away will be transferred to the Crimes Against Children Section. Missing/Runaway Juvenile reports will only be taken by Crimes Against Children personnel. (Missing/runaway reports will not be taken if the parent/guardian knows the location of their child.)
3. Upon notification of the missing/runaway report, Data Entry personnel will immediately enter the missing/runaway pick-up in the A.L.E.R.T. system based on the information in the report.

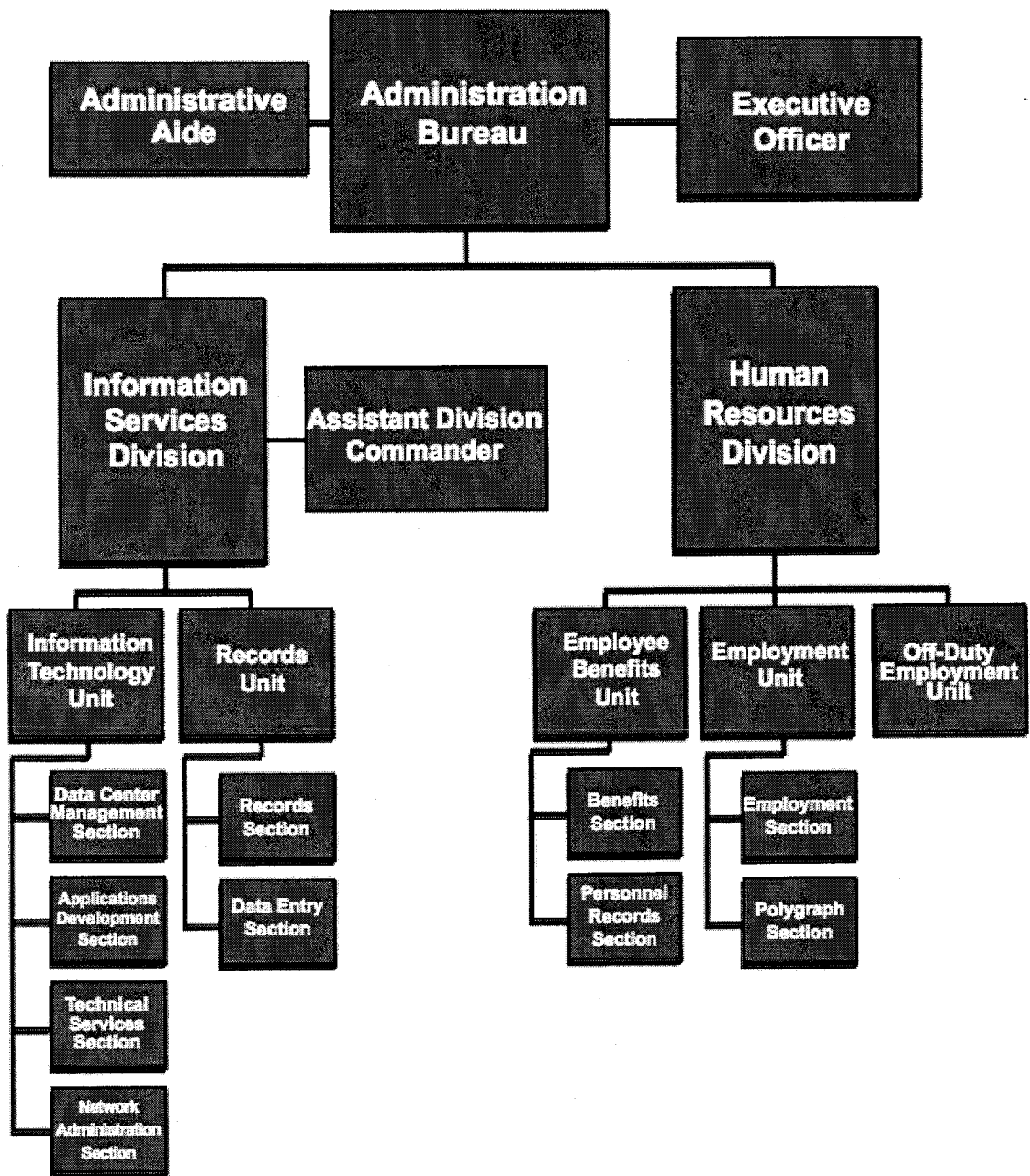
4. When officers come in contact with a missing/runaway juvenile they will contact the Crimes Against Children Section immediately and document the information on their Daily Activity Log. Crimes Against Children Section personnel will complete the Recovered Missing/Runaway Juvenile Report. A missing/runaway juvenile **will not** be transported to the Crimes Against Children Section or any county's juvenile detention facility. Transportation to a juvenile detention facility will only be made if felony criminal charges exist against the missing/runaway juvenile or if directed by Crimes Against Children personnel.
5. If a parent/guardian or responsible adult cannot be located, officers will contact the Crimes Against Children Section from the scene.
6. All calls from parents/guardians who advise their child has returned home will be transferred to the Crimes Against Children Section for disposition.

REFERENCE TABLE FOR SVU INVESTIGATIONS

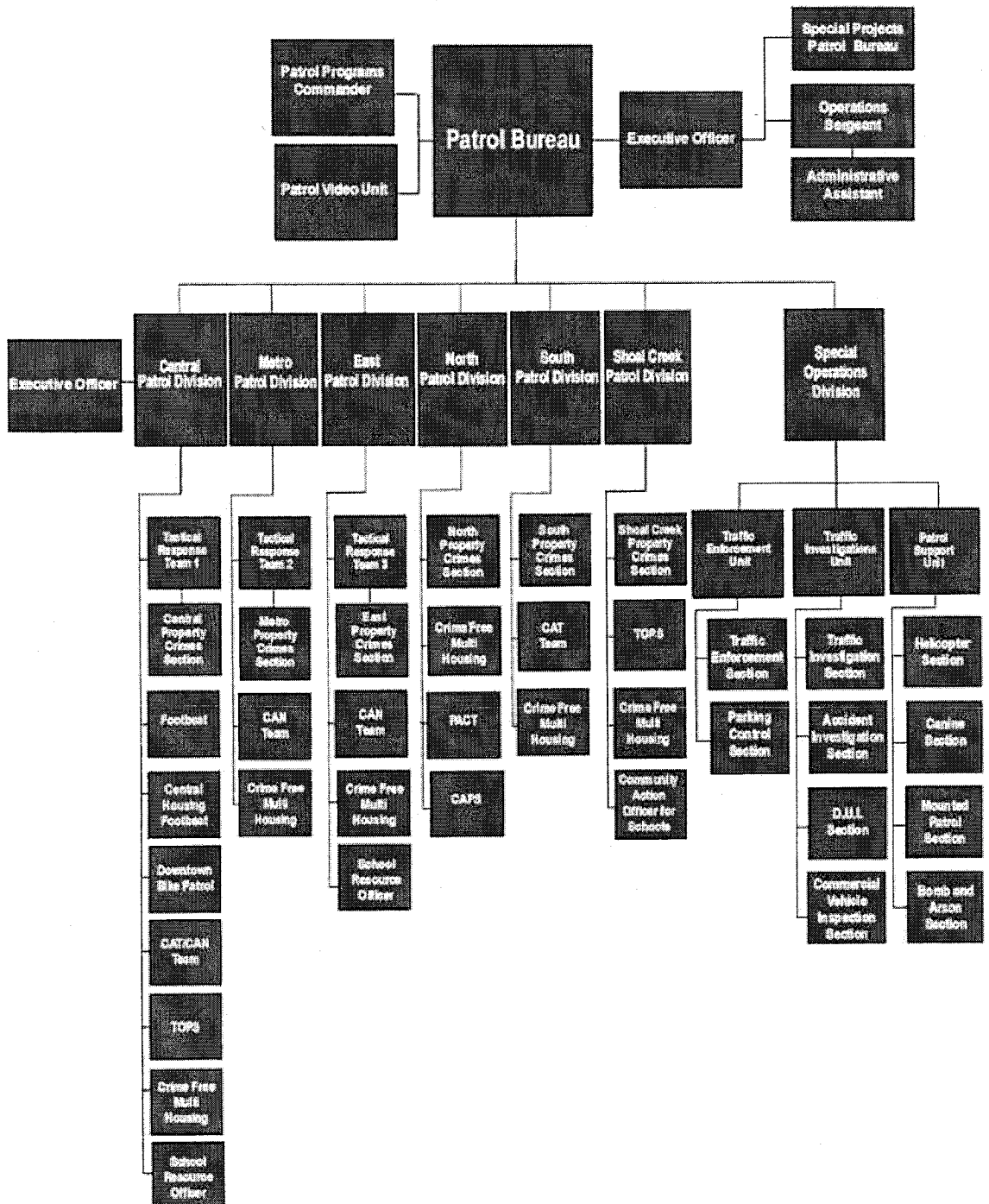
	Victim is 17 yoa or over	Victim is under 17 yoa
Rape	Sex Crimes Section	Crimes Against Children Section
Sodomy	Sex Crimes Section	Crimes Against Children Section
Sexual Misconduct	Sex Crimes Section	Crimes Against Children Section
Sexual Abuse	Sex Crimes Section	Crimes Against Children Section
Sexual Assault	Sex Crimes Section	Crimes Against Children Section
Felonious Restraint	Sex Crimes Section Unless DV related	Crimes Against Children Section
False Imprisonment	Sex Crimes Section	Crimes Against Children Section
Kidnapping	Sex Crimes Section Unless DV related	Crimes Against Children Section
Abduction	Sex Crimes Section unless DV related	Crimes Against Children Section
Stalking	Sex Crimes Section unless DV related	Crimes Against Children Section
Miscellaneous Investigation involving a possible sex offense	Sex Crimes Section	Crimes Against Children Section
Child Molestation	Not Applicable	Crimes Against Children Section
Child Abuse	Not Applicable	Crimes Against Children Section
Endangering the Welfare	Not Applicable	Crimes Against Children Section
Parental Kidnapping	Not Applicable	Crimes Against Children Section
Child Custody Violations	Crimes Against Children Section	Crimes Against Children Section
Assault	Assault Squad unless DV related	Assault Squad
Violations of Ex Parte Orders and Full Orders Of Protection	Domestic Violence Section	Not Applicable
All DV related crimes except for sex offenses, and Property Crimes	Domestic Violence Section	Crimes Against Children Section or appropriate Investigative Element
Harassment/Intimidation	Domestic Violence Section unless sexual in nature, then handled by Sex Crimes Section	Domestic Violence Section unless sexual in nature, then handled by Sex Crimes Section
Aggravated Assault	Assault Squad unless DV related	Assault Squad
Elder Abuse	Domestic Violence Section	Not Applicable

Kansas City Police Department

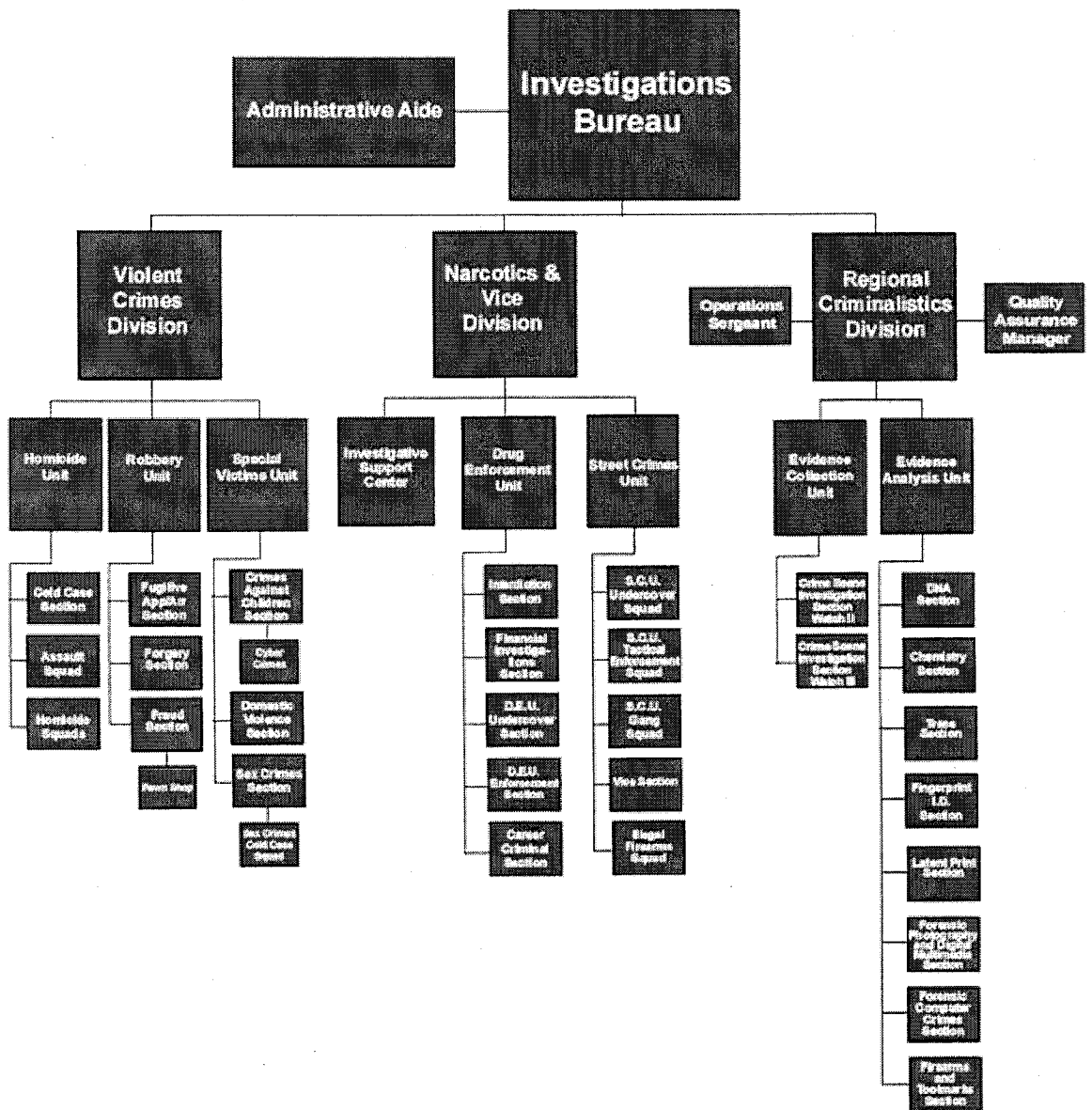




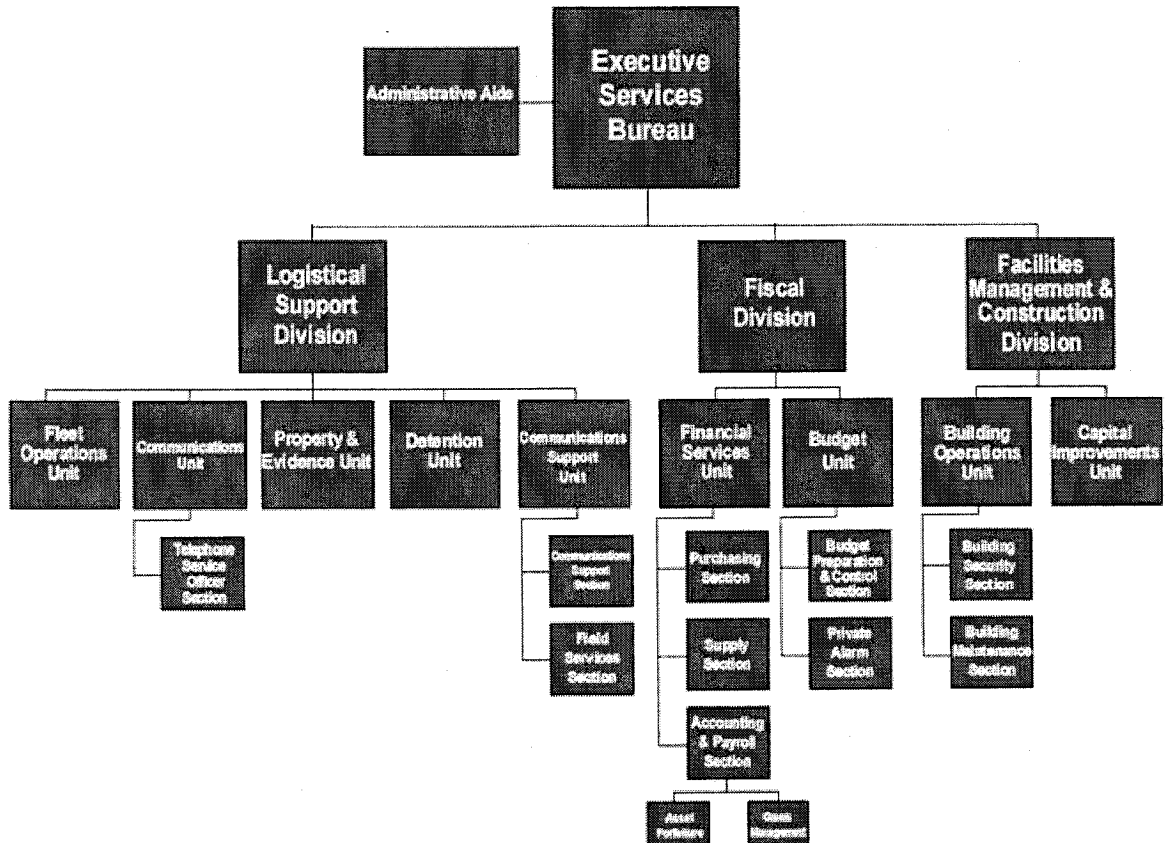
Kansas City Police Department



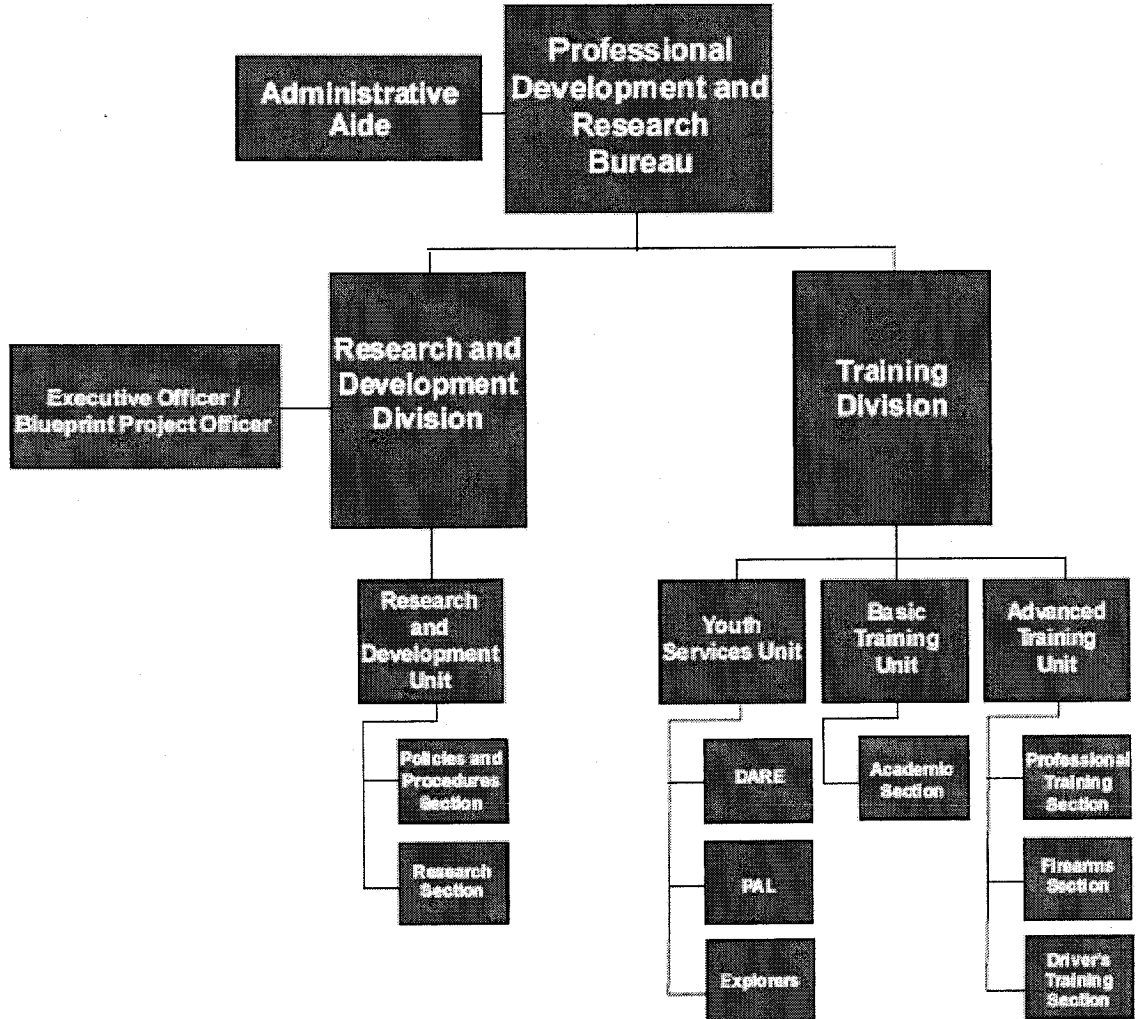
Kansas City Police Department



Kansas City Police Department



Kansas City Police Department



EXECUTIVE SUMMARY

Parma, Ohio – Requirements Related to Sex Crimes and Offenders

Introduction

There are three sources of authority that establish the requirements that law enforcement agencies, including the Parma Police Department (“PPD”), must comply with in relation to sexual offenses: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements, and together with the Registration Requirements, the “Statutory Requirements”), and (3) Parma Police Department Policy, Procedures and Rules Manual, Sexual Assault Policy OP 64 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes. The Department Policy is explained below.

Local Requirements

The Department Policy states that it is the policy of Parma Police to fully investigate all allegation of a sexual assault. Uniform Patrol conducts the preliminary investigation and the case is then turned over to the detective bureau for final disposition.

When a dispatcher receives a call of a sexual assault, the dispatcher must realize that the victim’s behavior may seem abnormal because there is no one typical behavior for a victim of a sexual assault. The dispatch must refrain from judging or disregarding any victim. Two officers should always be sent to respond to a sexual assault call, and the officer in charge will be advised.

The officer should make contact with the victim as soon as possible to address safety concerns and to call EMS if needed. If the victim is still at the crime scene, the officer shall secure the scene to prevent the loss or contamination of evidence. The scene should be thoroughly checked for evidence, photos should be taken and an attempt should be made to locate the suspect. The responding officer must give the victim information regarding victim’s rights.

Officers should encourage a victim to go to a hospital that has a SANE unit. Victims are to be advised that the examination will occur at no cost to the victim. The officer is to attempt to obtain a medical release form from the hospital signed by the victim to allow the detective bureau access. If the assault may have been drug facilitated, blood and urine should be collected from the victim as soon as possible.

The victim interview should be given by an officer who has received crisis intervention training, when such an officer is available. When interviewing the victim, the officer should show understanding, patience, and respect for the victim’s dignity. Victims should be

VORYS

Vorvys, Sater, Seymour and Reese LLP

interviewed in a private quiet place, away from other people. The victim should not be asked during the preliminary investigation whether he or she wants to prosecute the suspect.

The absence of physical injury does not rule out sexual assault. If an attack involved no physical force, police can help explain a victim's submission out of fear by conducting a comprehensive interview in which the victim describes what she was thinking and feeling during the assault.

Photographs should be taken, with officers being sensitive to the location of the injuries and have a nurse or someone of the same sex take pictures of those locations. Officers are not to be in the exam room for the collection of evidence for the sexual assault kit. The kit should be handled and stored as instructed on the outside of the box.

An advocate should be summoned as early as possible. The advocate should be at the hospital or during the initial reporting to provide emotional support to the victim. Before contacting the victim advocacy organization, the officer must assess the special needs of the victim and request an advocate as appropriate. An advocate should not transport the victim, go to a victim's home, or give the victim money.

When the call is initially taken, the officer in charge is responsible to contact a Sex Crimes Unit detective. The detective will coordinate the investigation and will determine if the detective should immediately respond to the call.

Comparison of Requirements for Parma Police Department and Requirements for Cleveland Division of Police

The PPD Department Policy is largely limited in its scope to the steps that a patrol officer should take during the initial response to a report of a sex crime. The Cleveland Division of Police Policy (the "Cleveland Policy") is also limited in scope, but focuses exclusively on evidence collection procedures.

The PPD Department Policy outlines the need for sensitivity towards the victim at all levels of the investigation, from dispatch, to the initial investigation, to the victim interview. The policy states that victims may react in ways that appear abnormal, but that is due to the trauma experienced. The Cleveland Policy does not advise officers how to react and respond to victims.

The PPD Department Policy calls for a dispatcher to notify the supervising officer and send two officers to all complaints of sexual assaults. The Cleveland Policy does not require that a supervisor be dispatched, but in practice, patrol officers routinely notify a supervisor who responds to the call.

The PPD Department Policy assumes that an officer will be the first responder to the scene. It is then the officer's duty to call EMS if medical attention is required. Under the policies and practices in Cleveland, the EMS typically responds to the scene first and the responding officer goes to the hospital.

The PPD Department Policy states that a victim should be taken to a SANE unit if possible. Cleveland has no such formal policy, but through practice, attempts are made to have the victim taken to a hospital with a SANE unit.

The PPD Department Policy states that a victim advocate should be involved in the process from the earliest point possible. The Cleveland Policy does not include a role for a victim advocate.

The victim interview is to occur in a private quiet place, such as the report room, a supervisor's office or elsewhere. It is routine in Cleveland for the interview to occur at the Sex Crimes Unit interview room.

The PPD Sex Crimes Unit is apparently called immediately following the report. The detective then coordinates the investigation and determines if the detective needs to respond. It is the practice in Cleveland for the responding officer to quarterback the initial investigation and sex crimes will be contacted to conduct the follow-up investigation. It can take over 24 hours for sex crimes to be notified.

SUMMARY

Parma, Ohio – Requirements Related to Sex Crimes and Offenders

According to the Parma Police Department (“PPD”) 2007 Annual Report, the PPD employs 81 Police Officers. Parma has a population of 80,009, according to the U.S. Census Bureau Estimate for 2006. According to the Federal Bureau of Investigation Uniform Crime Report, there were 24 forcible rapes reported in Parma in 2007. Parma did not report in 2008.

Sources of Authority Regarding Parma Police Department Requirements Related to Sex Crimes

There are three sources of authority that establish the requirements that law enforcement agencies, including the PPD, must comply with in relation to sexual offenses: (1) the Ohio Revised Code’s sex offender registry (the “Registry Requirements”), (2) the Ohio Revised Code’s sex crime procedures (the “Investigation Requirements, and together with the Registration Requirements, the “Statutory Requirements”), and (3) Parma Police Department Policy, Procedures and Rules Manual, Sexual Assault Policy OP 64 (the “Department Policy”).

The Statutory Requirements are set forth in the memorandum that explains the Cleveland Division of Police requirements related to the investigation of sex crimes. The Department Policy is explained below.

Local Requirements

The Department Policy states that it is the policy of Parma Police to fully investigate all allegation of a sexual assault. Uniform Patrol conducts the preliminary investigation and the case is then turned over to the detective bureau for final disposition.

I. Initial Response

When a dispatcher receives a call of a sexual assault, the dispatcher must realize that the victim’s behavior may seem abnormal because there is no one typical behavior for a victim of a sexual assault. The dispatch must refrain from judging or disregarding any victim. The dispatcher should follow procedures on a chart of the EMD flip chart. Two officers should always be sent to respond to a sexual assault call, and the officer in charge will be advised.

The officer should make contact with the victim as soon as possible to address safety concerns and to call EMS if needed. If the victim is still at the crime scene, the officer shall secure the scene to prevent the loss or contamination of evidence. The scene should be thoroughly checked for evidence, photos should be taken and an attempt should be made to locate the suspect. The responding officer must give the victim information regarding victim’s rights.

The victim interview should be given by an officer who has received crisis intervention training, when such an officer is available. When interviewing the victim, the officer should

VORYS

Vorys, Sater, Seymour and Pease LLP

show understanding, patience, and respect for the victim's dignity. Victims should be interviewed in a private quiet place, away from other people. If the interview occurs at the station, it should occur in the report room, a supervisor's office, or the Detective Bureau.

An officer should contact a victim advocate as soon as possible to provide assistance to the victim throughout the reporting and investigative process. The absence of physical injury does not rule out sexual assault. If an attack involved no physical force, police can help explain a victim's submission out of fear by conducting a comprehensive interview in which the victim describes what she was thinking and feeling during the assault.

The victim should not be asked during the preliminary investigation whether he or she wants to prosecute the suspect.

Officers should encourage a victim to go to a hospital that has a SANE unit for an examination. Victims are to be advised that the examination will occur at no cost to the victim. The officer is to attempt to obtain a medical release form from the hospital signed by the victim to allow the detective bureau access.

If the assault may have been drug facilitated, blood and urine should be collected from the victim as soon as possible. Photographs should be taken, with officers being sensitive to the location of the injuries and have a nurse or someone of the same sex take pictures of those locations. Officers are not to be in the exam room for the collection of evidence for the sexual assault kit. The kit should be handled and stored as instructed on the outside of the box.

An advocate should be summoned as early as possible. The advocate should be at the hospital or during the initial reporting to provide emotional support to the victim. Before contacting the victim advocacy organization, the officer must assess the special needs of the victim and request an advocate accordingly. An advocate should not transport the victim, go to a victim's home, or give the victim money.

II. Transferring the Case to the Sexual Crimes Unit

When the call is initially taken, the officer in charge is responsible to contact a Sex Crimes Unit detective. The detective will coordinate the investigation and will determine if the detective should immediately respond to the call.

Comparison of Requirements for Parma Police Department and Requirements for Cleveland Division of Police

The PPD Department Policy is largely limited in its scope to the steps that a patrol officer should take during the initial response to a report of a sex crime. The Cleveland Division of Police policy (the "Cleveland Policy") is also limited in scope, but focuses exclusively on evidence collection procedures.

The PPD Department Policy outlines the need for sensitivity towards the victim at all levels of the investigation, from dispatch, to the initial investigation, to the victim interview. The policy states that victim's may react in ways that appear abnormal, but that is due to the trauma experienced. The Cleveland Policy does not advise officers how to react and respond to victims.

The PPD Department Policy calls for a dispatcher to notify the supervising officer and send two officers to all complaints of sexual assaults. The Cleveland Policy does not require that a supervisor be dispatched, but in practice, patrol officers routinely notify a supervisor who responds to the call.

The PPD Department Policy assumes that an officer will be the first responder to the scene. It is then the officer's duty to call EMS if medical attention is required. Under the policies and practices in Cleveland, the EMS typically responds to the scene first and the responding officer goes to the hospital.

The PPD Department Policy states that a victim should be taken to a SANE unit if possible. Cleveland has no such formal policy, but through practice, attempts are made to have the victim taken to a hospital with a SANE unit.

The PPD Department Policy states that a victim advocate should be involved in the process from the earliest point possible. The Cleveland Policy does not include a role for a victim advocate.

The victim interview is to occur in a private quiet place, such as the report room, a supervisor's office or elsewhere. It is routine in Cleveland for the interview to occur at the Sex Crimes Unit interview room.

The PPD Sex Crimes Unit is apparently called immediately following the report. The detective then coordinates the investigation and determines if the detective needs to respond. It is the practice in Cleveland for the responding officer to quarterback the initial investigation and sex crimes will be contacted to conduct the follow-up investigation. It can take over 24 hours for sex crimes to be notified.



Parma Police Department

Policy, Procedures and Rules Manual

❑ SEXUAL ASSAULTS

Policy Number: OP 64

Revision Date: 16 Sept. 09

Reference:

Distribution: All Officers, Records Division, Safety, Communications, Law Department

I. Policy

It is the policy of the Parma Police Department to fully investigate all allegations of a sexual assault. Uniform Patrol Division shall conduct the preliminary investigation and the case shall be turned over to the detective bureau for final disposition.

II. Purpose

To inform officers on how to proceed in an investigation of a sexual assault due to the sensitive nature of the investigation and the different reactions of victims from other types of crimes.

III. Dispatcher Responsibility

- A. When a dispatcher receives a call of a sexual assault the dispatcher must realize that the victim's behavior may seem abnormal. The victim's behavior could range from hysteria to crying, rage, laughter, and calmness to unresponsiveness. There is no one typical behavior for a victim of a sexual assault so it is important to refrain from judging or disregarding any victim.
- B. Dispatch upon receiving a call of a sexual assault should follow standard dispatch procedures outlined on chart #4 of the EMD flip chart.
- C. Dispatch shall always send two officers to a complaint of a sexual assault and the OIC shall be advised.

IV. Officers Responsibility

- A. Officers shall make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
- B. If the victim is still at the crime scene, officers shall secure the scene to prevent loss or contamination of evidence. A Sex Crimes Unit detective should be notified by the OIC to coordinate the investigation and determine if the detective will respond.

Sexual Assaults (continued)

- C. If the crime occurred recently the crime scene should be thoroughly checked for evidence, photos should be taken and an attempt made to locate the suspect, especially if the suspect presents a danger to the victim or others. If located, take steps to photograph the suspect with the clothing he/she is wearing, recover evidence from the suspect's body, and bag clothing separately before entering into evidence. If the above evidence collection steps do not apply because the crime occurred days or weeks ago the sex crime unit will conduct the follow up investigation.
 - D. Ensure that victims receive information about victim's rights per ORC 2930.
- V. The Interview
- A. Per section 2907.30 of the ORC a victim of a sexual offense shall be interviewed by a officer/s who has had crisis intervention training providing that the officer/s are reasonably available.
 - B. When interviewing the victim, officers should show understanding, patience and respect for the victim's dignity and attempt to establish trust and rapport. Victims should be interviewed in a private quiet place, away from other people and distractions when ever possible. If at the station the report room, supervisor's office or the Detective Bureau should be used. Victim's emotional reactions may include confusion, shame, and embarrassment. Victims of a drug-facilitated sexual assault may report blackouts, gaps in memory, and general uncertainty as to whether or not an assault occurred. It is not unusual for the victim's account to be unclear or to even change after several hours. This may be due to Post Traumatic Stress Syndrome. Occasionally a victim will not immediately report a sexual assault. It is important to document the reasons for the delay however a delay in reporting should be considered normal and not seen as evidence that the victim is lying about the assault.
 - C. The officer should contact a victim advocate as soon as possible to provide assistance to the victim throughout the reporting and investigative process, if the victim is willing to speak to the advocate.
 - D. Understand that the absence of physical injury does not rule out sexual assault nor does the presence of injury prove that an assault occurred. Few victims are injured to the point that emergency medical attention is needed. If an attack involved no physical force, police can help explain a victim's submission out of fear by conducting a comprehensive interview in which the victim describes in detail what she was thinking and feeling during the assault. If the victim was incapacitated as a result of voluntary alcohol or drug use, law enforcement officers can help show why this is an issue of increased vulnerability rather than culpability.

Sexual Assaults (continued)

- E. Victim should not be asked during the preliminary investigation whether he or she wants to prosecute the suspect. Decisions as to whether or not the victim wants to prosecute and whether there is sufficient evidence to warrant criminal charges against a suspect should be made only following a complete investigation.

VI. Evidence collection

- A. Officers are to encourage victims to respond to a local hospital that has a Sexual Assault Nurse Examiner (SANE) unit (if assault has occurred within 96 hours) for the collection of evidence from the victim's body or clothing under the below guidelines. The hospital should be contacted prior to responding to assure a SANE nurse is available.
 - 1. The SANE units in Cuyahoga County primarily treat adults and older adolescents within 96 hours of a sexual assault. It is recommended that younger children who present signs of sexual assault should (when the assault has occurred in the past 72 hours) go to Fairview Hospital's SANE unit, Hillcrest Hospital's SANE unit or the emergency department at Rainbow Babies and Children's Hospital or Metrohealth Medical Center. When 72 hours has elapsed since the suspected assault involving children and younger adolescents (under 16 years of age), the victim should be referred to a specialty clinic or assessment center:

The Care Clinic, Rainbow Babies and Children's Hospital
 Darlynn Constant, LISW, Child Protection Coordinator (SART Member)
 216-884-3761
 11100 Euclid Ave. Cleveland OH 44106

The Care Clinic Provides forensically defensible medical evaluations and treatment for children under the age of 16 who are thought to have been sexually abused. Generally, a report of suspected sexual abuse must be made to the department of children and family services (216-696 KIDS) or law enforcement prior to or at the time of referral. Telephone consultations and referrals for counseling and/ or victim advocacy services are available to parents/guardians, health care providers, DCFS, law enforcement, and other professionals free of charge.

- B. Victims should be advised that under section 2907.28 of the ORC there will be no cost to the victim for the medical examination to gather physical evidence for possible prosecution, including the cost of any antibiotics administered as part of the examination.
- C. Officers will attempt to obtain a medical release form from the hospital signed by the victim to allow the detective bureau access to the records of the examination.

- D. The victim's clothing worn at the time of the assault and immediately afterward should be collected and bagged separately prior to entering into evidence.

OP 64-3

Sexual Assaults (continued)

- E. If there is a possibility that the sexual assault may have been drug-facilitated, blood and urine must be collected as soon as possible and refrigerated. The analysis of this evidence must be done by the Coroner's Office. See OP 64 – 5 & 6 for submission forms.
1. Drugs associated with sexual assault are: Alcohol, Benadryl, Ecstasy, GHB, Ketamine, Rohypnol, and Valium.
 2. Consider a combination of drugs and alcohol.
 3. Red flags for DFSA:
 - a. Unconscious of in/out of consciousness
 - b. May appear to be drunk
 - c. Slowed breathing
 - d. Memory loss for 3 to 5 hours, or longer
 - e. Seizure-type movements
 - f. Elevated blood pressure/pulse or muscle spasms
- F. Photographs should be taken of any injuries sustained by the victim. Officer's should be sensitive to the location of the injuries on the victim's body and should have a nurse or someone of the same sex take pictures of those locations. Always keep in mind the chain of custody.
- G. Officers will not be in the exam room for the collection of evidence for the sexual assault test kit. Sexual assault evidence kit should be handled and stored as instructed on the outside of the box. Refrigeration is not necessary. Any blood or urine should be packaged separately and refrigerated. Forms OP 64-7 BCI's Evidence Submission Sheet and OP 64-8 BCI's Sexual Assault Investigation form must be filled out and forwarded with the sexual assault test kit.

VII. ADVOCATE

- A. The advocate's primary role during the medical examination at the hospital or during the initial reporting process at the police station is to provide emotional support to the victim. They also provide advocacy, basic crisis intervention, information about options, referrals to other social service agencies, and follow-up as requested.
- B. Before contacting the victim advocacy organization, the investigating officer must assess any special needs of the victim (inability to speak English, language difficulties, mental or physical impairment, need for an advocate of the same gender as the victim) and request an advocate accordingly.
- C. An advocate does not transport the victim, does not go to the victim's home, does not offer or give the victim money, and should not be used as an interpreter.

OP 64-4



OFFICE OF THE CUYAHOGA COUNTY CORONER
11001 Cedar Avenue, Cleveland, Ohio 44106
TOXICOLOGY LABORATORY DEPARTMENT

**Instructions for Specimen Collection for Testing under the Ohio Department
of Health, Alcohol and Drug Testing Program**

For Blood:

1. Prepare the area by cleaning the skin with an aqueous solution of a non-volatile antiseptic. No alcohol based preparations should be used.
2. Draw the blood with a sterile dry needle into a vacuum container with a solid or liquid anticoagulant. These are supplied as Gray Top (preferred) [potassium oxalate] or purple top [EDTA] glass or plastic tubes. Tubes with alternative colored tops, such as red, may be utilized but may produce serum samples.
3. Collect approximately **1 x 4/5mL** vacuum container for alcohol only. Collect **4 x 4/5mL** vacuum containers for a drug screen. Ensure tubes are full.
4. Label each tube with name of donor; date and time of collection; name or initials of collector; name or initials of person sealing the sample.
5. Put evidence tape over the top of the tube to seal.

For Urine:

6. Collect into a clean glass or plastic screw top container.
7. Collection of urine into the container must be witnessed. Collect approximately **20 mL**.
8. Label the container in a similar manner to blood [see item 4]
9. **Place all items into biohazard bags or Styrofoam containers to prevent breakage during transit.**
10. **When not in transit the specimens must be refrigerated.**

I _____ of _____
Print Nurse/Phlebotomist name Name of Hospital/Clinic

Acknowledge receipt of these instructions for collection of specimens for the purpose of DUI/DUID testing in the State of Ohio.

Signed _____ on _____ (date)
Nurse/Phlebotomist

_____ on _____ (date)
Police Officer

PHONE: (216) 721-5610 • FAX: (216) 707-3174 • Ohio Relay Service (TTY) 1-800-750-0750



**Cuyahoga County Coroner's Office
Toxicology Specimen Chain of Custody Form**

CCCO # PD _____

Requesting Agency: _____

Agency Representative: _____ (Print Name)

Agency Representative: _____ (Signature)

CCCO Receiving Representative: _____ (Print Name)

(Signature)

Received on ____ / ____ / ____ at ____: ____ (24 hour clock)

Agency Representative must fill out form

Specimen Type	# of specimens	Defendant's/Victim's name on specimens?	Specimen containers sealed?	Collector's initials on specimens?	Sealer's initials on specimens?	Date Collected: Time:
*Blood	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	____/____/____:____
Urine	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	____/____/____:____
Other	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	____/____/____:____

Collector's Name: _____ Initials: _____

Defendant's/Victim's Name: _____ (Print Name)

Optional

Gender _____ Ht: _____ Wt: _____

* Collect 20 mL of whole blood in gray or purple top tubes

Please check only tests suspected:

- ☐ Alcohol
☐ Comprehensive Drug Panel (Base, Opiate, & Acid/Neutral Screen)
☐ THC (marijuana)
☐ Cocaine (crack)
☐ Opiates (e.g. Heroin, Oxycontin, Percocet...)
☐ Antidepressants
☐ Muscle Relaxants = Acid/Neutrals (e.g. Soma, Meprobamate)
☐ Amphetamines (Methamphetamine, MDA, MDMA)
☐ Benzodiazepines (e.g. Lorazepam, Diazepam (Valium), Xanax, etc.)
☐ PCP

- ☐ GHB
☐ Fentanyl
☐ Drug Facilitated Sexual Assault
☐ Other

List other requests: _____

Cuyahoga County Coroner's Office Use Only

Transferred to temporary storage by: _____ Date: ____ / ____ / ____ Time: _____

Removed from temporary storage by: _____ Date: ____ / ____ / ____ Time: _____

Accessioned by: _____ Date: ____ / ____ / ____ Time: _____

OP 64-6



**Attorney General
Marc Dann**

- Evidence Submission Sheet
BCI-101 (Rev. 04-99)

New:

Add'l:

BCI Lab Number

BCI&I Bowling Green P. O. Box 928 Bowling Green, OH 43402 Ph: (419) 353-5603	BCI&I London P. O. Box 365 1560 S.R. 56, SW London, OH 43140 Ph: (614) 466-8204	BCI&I Cambridge 60788 Southgate Rd. Byesville, OH 43723 Ph: (740) 439-3655	BCI&I Richfield P. O. Box 336 3333 Brecksville Rd. Richfield, OH 44286 Ph: (330) 659-4600	PLEASE REFER TO THIS BCI LAB WHEN MAKING INQUIRY RECEIVED IN LABORATORY A Date: Time: Day: Agency Case No. Location: (City/County) Parma, Cuyahoga		
Offense:		Date of Offense:		Location: (City/County) Parma, Cuyahoga		

Subject (s): (Name, Race, Sex, DOB):

Victim (s): (Name, Race, Sex, DOB):

Submitting Agency: Parma Police Department		Submitting Officer: George J. Balasko	
Case Investigator:	Mailing Address: 5555 Powers Blvd. Parma, OH 44129		
Telephone Number: 440-887-7300			

Latent Prints	Chemistry	Microanalysis	Firearms	Documents	Hand Swabs/AA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Please list individual items and examinations requested:

Please attach a synopsis of the case to assist the examiner:

Date/Time returned:	Form filled out by:	Is the subject(s) in custody? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of trial or hearing:	Evidence Location:
---------------------	---------------------	---	---------------------------	--------------------

Returned to: (Signature)

Should there be any change in the status of this case including trial please contact BCI immediately. Refer to the BCI Lab Number.

OP 64-7



Sexual Assault Investigation

BCI Case Number: _____

Type of Assault: ☐ Vaginal ☐ Oral – Male on Female
☐ Rectal ☐ Oral – Female on Male

Individual filling out form: _____

Victim's relationship to subject: _____

Has the victim had prior physical contact with the subject? ☐ Yes ☐ No

If yes, explain: _____

Where did the alleged assault occur? _____

Was a sexual assault kit collected? ☐ Yes ☐ No

If yes, what was the amount of time between the alleged assault and collection? _____

Did the suspect ejaculate? ☐ Yes ☐ No

Location: _____

Was a condom used? ☐ Yes ☐ No

Was an object other than a penis used? ☐ Yes ☐ No If yes, what? _____

Did the victim have consensual sex within 3 days of the sexual assault? ☐ Yes ☐ No

Did the victim clean up, change clothing prior to the collection of the evidence? ☐ Yes ☐ No

If clothing was submitted from the victim was it worn during the alleged assault ☐ Yes ☐ No

Has the suspect had prior contact with the crime scene? ☐ Yes ☐ No

Has the suspect had prior contact with the victim? ☐ Yes ☐ No

If clothing was submitted from the suspect was it worn during the alleged assault? ☐ Yes ☐ No

Was the suspect scratched? ☐ Yes ☐ No Did the suspect bleed? ☐ Yes ☐ No

Was the suspect apprehended within 24 hours of the alleged assault? ☐ Yes ☐ No

If yes, was a sexual assault kit collected on the suspect? ☐ Yes ☐ No

Please attach a short synopsis of the assault.

Please be sure to find out if the victim had consensual sex within 3 days of the sexual assault, this is essential information and will affect DNA testing.

EXECUTIVE SUMMARY

Philadelphia, Pennsylvania – Requirements Related to Sex Crimes and Offenders

Introduction

Pennsylvania's sex offender registration system imposes certain requirements (the "Registry Requirements") on local law enforcement agencies such as the Philadelphia Police Department ("PPD"). The PPD is also subject to other statutory requirements (the "Statutory Requirements"). Philadelphia's municipal code imposes its own registration requirements (the "City Requirements") on individuals who have been convicted, among other offense (but not other sex offenses), of rape or attempt to commit rape. Finally, the PPD is required to conform to its own policies as outlined in its written policy (the "Department Policy").

State Law Requirements

Under the Registry Requirements, the PPD must: (1) receive sex offenders' registration information via the Pennsylvania State Police; (2) receive notice from the Pennsylvania State Police regarding a sex offender's failure to provide registration information or to verify information; (3) locate a sex offender who has failed to verify his or her information and arrest the offender; (4) provide written notice to victims of sexually violent predators when the sexually violent predator registers initially and when the sexually violent predator changes his or her residential address; (5) provide notice to victims of sex offenders who are not sexually violent predators in accordance with the Crime Victims Act, a general victims' rights statute; and (6) provide written notice to certain other third parties of a sex offender's name, residential address, and other information.

Under the Statutory Requirements, the PPD must assist in the state DNA data collection and testing program.

City Requirements

The City Requirements impose its own registration requirements on individuals who have been convicted, among other offense (but not other sex offenses), of rape or attempt to commit rape. Registrants must provide certain information about themselves and submit to being photographed and fingerprinted.

Local Requirements

The Department Policy outlines in quite specific detail its procedures for handling reports of sex crimes. The Department Policy contains instructions regarding interviewing and transporting victims, collecting evidence, investigating sex crimes, and more activities.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Comparison of Requirements for Philadelphia Police Department and Cleveland Division of Police

Both Ohio and Pennsylvania impose different requirements on offenders based on the specific sex offense they committed. Pennsylvania's program differs from Ohio's registration program in a significant respect by identifying individuals more likely to become recidivists and subjecting them to lifetime registration and other requirements, including counseling. Also, correctional facilities in Pennsylvania must wait to release individuals convicted of sex crimes until receiving verification from the Pennsylvania State Police that it has received the individual's registration information.

Pennsylvania's sex offender registration program requires local police to provide notice of information about sex offenders to the victims of those offenders and to certain third parties. The Cleveland Division of Police ("CPD") does not have any responsibilities related to registration. Instead, Ohio law imposes all registration requirements on the county sheriffs.

In addition, Philadelphia differs from Cleveland by imposing a city-level registration requirement on individuals who have been convicted of rape.

The Department Policy provides more detailed guidelines than the CPD's policy regarding responding to reports of sex crimes. In the PPD, the assigned investigator must ensure that families of victims, so long as the victim does not request otherwise, are notified of what happened. Additionally, the PPD is required to provide victims with replacement clothing, whereas the CPD does not appear to follow such a practice. The PPD also requires investigators to interact with the neighborhood in which the sex crime occurred when investigating the sex crimes. The PPD has established a system for determining which hospital is appropriate for receiving any particular victim. Also, the PPD arranges for transportation of victims from the hospital. Another difference between the departments is that, in Philadelphia, the notice of a sex crime is sent to detectives via Internet and not by fax. Finally, the PPD Policy requires the interviewing of victims. It seems like something is missing.

SUMMARY

Philadelphia, Pennsylvania – Requirements Related to Sex Crimes and Offenders

Background Information on Philadelphia and the Philadelphia Police Department

6,764 Philadelphia Police Department (the “PPD”) police officers serve Philadelphia’s population of 1,441,117. See Crime in the United States, 2008, an FBI report available online. In 2009, the PPD received 1,424 reports of sex crimes, compared to 1,658 such reports in 2008. See Pennsylvania Uniform Crime Reporting System web site. In 2008, there were 1,038 reported cases of rape in Philadelphia. Id.

Sources of Authority Regarding Philadelphia Police Department Requirements Related to Sexual Offenses

There are four sources of authority that establish the requirements that the PPD must comply with in relation to sex crimes: (1) the sex offender registry as established by Pennsylvania statutory authority (the “Registry Requirements”), (2) other statutory requirements imposed by Pennsylvania statutory authority (the “Statutory Requirements”), (3) the Philadelphia Code (the “City Requirements”), and (4) the PPD’s written policy (the “Department Policy”) regarding the handling of reports of sex crimes. All sources referenced in this Summary are attached.

Pennsylvania Statutes Sex Offender Registry

Under Pennsylvania’s Registry Requirements, persons convicted of sex crimes must register with the Pennsylvania State Police, notify the Pennsylvania State Police of changes, and verify their registration at scheduled times. The Registry Requirements also require the exchange of information about offenders among law enforcement agencies, provide for notification of information about sex offenders to victims and certain other third parties, and authorize access to certain information about the offenders on the Internet. The system imposes obligations on the offenders, the court system, county correctional facilities, the state Department of Corrections, the Pennsylvania State Police, and local law enforcement agencies.

I. Who Qualifies as a Sex-Offender¹

The Registry Requirements apply to anyone convicted in Pennsylvania of certain sex crimes, as well as individuals who have been convicted of offenses similar to the Pennsylvania state crimes listed by the statute in the United States, another state, the District of Columbia,

¹ Of note, Pennsylvania does not currently follow the tier structure mandated for all states by the federal government via the Adam Walsh Child Protection and Safety Act of 2006. It is unknown whether the state will attempt to comply with the Act.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

Puerto Rico, or a foreign nation or under a former law of Pennsylvania. (42 Pa. C.S. § 9795.1). The Registry Requirements apply to Pennsylvania state residents and any offenders who go to school or work in Pennsylvania. (42 Pa. C.S. § 9795.1(b)(4)). The Registry Requirements provide, for the most part, that individuals who move, work, or attend school in Pennsylvania who were required to report in other states are subject to equivalent reporting requirements in Pennsylvania, though the sexually violent predators are exempt from Pennsylvania's counseling requirement, as detailed below (See 42 Pa. C.S. § 9799.4). See id.

Individuals convicted of the following crimes, or of an attempt, conspiracy, or solicitation to commit any of these offenses (or of those listed for convictions triggering lifetime registration) are subject to a registration period of ten years:

- Kidnapping (where the victim is a minor) (18 Pa. C.S. § 2901)
- Luring a child into a motor vehicle or structure (18 Pa. C.S. § 2910)
- Institutional sexual assault (18 Pa. C.S. § 3124.2)
- Indecent assault (offense graded as a misdemeanor of first degree or higher) (18 Pa. C.S. § 3126)
- Incest (where the victim is at least 12 but under 18) (18 Pa. C.S. § 4302)
- Prostitution and related offenses (where the actor promotes the prostitution of a minor) (18 Pa. C.S. § 5902(b))
- Relating to obscene and other sexual materials and performances (where the victim is a minor) (18 Pa. C.S. § 5903(a)(3), (4), (5), or (6))
- Sexual abuse of children (18 Pa. C.S. § 6312)
- Unlawful contact with minor (18 Pa. C.S. § 6318)
- Sexual exploitation of children (18 Pa. C.S. § 6320)

(18 Pa. C.S. § 9795.1).

Individuals convicted of the following crimes are subject to lifetime registration (as are individuals who have been convicted of two of the offenses above):

- Rape (18 Pa. C.S. § 3121)
- Involuntary deviate sexual intercourse (18 Pa. C.S. § 3123)
- Sexual assault (18 Pa. C.S. § 3124.1)
- Aggravated indecent assault (18 Pa. C.S. § 3125)
- Incest (when the victim is under 12) (18 Pa. C.S. § 4302)

(18 Pa. C.S. § 9795.1).

Sexually violent predators, people convicted of any of the sexual offenses listed above who are found to have more of a disposition to become recidivists due to mental abnormalities or personality disorders, are also subject to lifetime registration. Id. For an individual to be deemed a sexually violent predator, a court must order an individual convicted of one of the sexual offenses above to be assessed by the State Sexual Offenders Assessment Board (the “Board”) before sentencing. (42 Pa. C.S. § 9795.4). The Board is composed of psychiatrists, psychologists, and criminal justice experts. (42 Pa. C.S. § 9799.3). It is appointed by the Governor, and members serve four-year terms. Id. The order for an assessment must be sent to the Board within ten days of the date of conviction. (42 Pa. C.S. § 9795.4). Upon receipt from the court of an order for an assessment, a member of the Board as designated by the administrative officer of the board must conduct an assessment of the individual to determine if the individual should be classified as a sexually violent predator. Id. Assessments take into account some of the following factors:

- Facts of the current offense, including:
 - Whether the offense involved multiple victims
 - Whether the individual exceeded the means necessary to achieve the offense
 - The nature of the sexual contact with the victim
 - Relationship of the individual to the victim
 - Age of the victim
 - Whether the offense included a display of unusual cruelty by the individual during the commission of the crime
 - The mental capacity of the victim
- Prior offense history, including:
 - The individual's prior criminal record
 - Whether the individual completed any prior sentences
 - Whether the individual participated in available programs for sexual offenders
- Characteristics of the individual, including:
 - Age of the individual.
 - Use of illegal drugs by the individual.
 - Any mental illness, mental disability or mental abnormality.
 - Behavioral characteristics that contribute to the individual's conduct.
- Other factors that are supported in a sexual offender assessment field as criteria reasonably related to the risk of reoffense.

Id.

The Board must submit its assessment report to the district attorney within 90 days. Id. Upon reviewing the assessment, the district attorney must decide whether to issue a praecipe, which will trigger a hearing to determine if the individual should be classified a sexually violent predator. See id. The individual must be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. Id. In addition, the individual shall have the right to counsel and to have a lawyer appointed to represent him if he cannot afford one. Id. At the hearing, and prior to sentencing, the court must determine whether it has been proven by clear and convincing evidence that the individual is a sexually violent predator. Id.

II. Registration

A. *Initial Registration*

Offenders and sexually violent predators must provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, and all information concerning current or intended enrollment as a student. Id. Individuals subject to registration must submit to fingerprinting and photographing at approved registration sites. (42 Pa. C.S. § 9795.2(e); 42 Pa. C.S. § 9799.2).

Offenders and sexually violent predators are required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a state or county correctional institute or upon the commencement of a sentence of intermediate punishment or probation. (42 Pa. C.S. § 9795.2).

B. *Prerelease Notification*

The sentencing court is required to do the following:

- Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification
- Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that exceeds 30 days during any calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment
- Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police

- Specifically inform the offender or sexually violent predator of the duty to register with the law enforcement agency in the new location if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state
- Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing
- Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in any state in which the offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires such registration
- Require the offender or sexually violent predator to read and sign a form stating that the duty to register has been explained. Where the offender or sexually violent predator is incapable of reading, the court must certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty

(42 Pa C.S. § 9795.3).

When an offender or sexually violent predator is granted parole or is sentenced to probation or intermediate punishment the Board or county office of probation and parole must collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. Id. The Department of Corrections or county correctional facility may not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that it has received the registration information. Id.

Similarly, when an offender or sexually violent predator is scheduled to be released from a correctional facility, the Department of Corrections or county correctional facility must collect the information from the offender or sexually violent predator no later than ten days prior to the date of release. Id. The registration information must then be forwarded to the Pennsylvania State Police. Id.

C. Notification of Local Police

The Pennsylvania State Police must provide all registration information as well as sentencing court information and information relating to verification of residence to the chief law enforcement officers of the municipalities in which the sex offender will reside, be employed, or be enrolled as a student. (Pa. C.S. § 9795.2(c)). In addition, the Pennsylvania State Police shall provide the chief law enforcement officers with the offender's residential, employment, and/or school address. Id. The Pennsylvania State Police also must provide notice to chief law enforcement officers when the sex offender has failed to provide the required registration information, in addition to notice that individuals will no longer be residing, employed, or enrolled in the municipality. Id.

D. Additional Requirements for Sexually Violent Predators

Sexually violent predators are required to attend at least monthly counseling sessions in a program approved by the Board. (42 Pa. C.S. § 9799.4). Sexually violent predators are responsible for paying for these sessions, unless they can prove to the court that they cannot afford to pay, in which case the parole office will pay. Id. The Board must monitor the sexually violent predator's compliance with the counseling requirement. Id.

III. Periodic Verification of Registration

A. Frequency of Verification

To facilitate the verification process of offenders who are not sexually violent predators, the Pennsylvania State Police must send a notice by first class mail to all registered offenders at their last reported residence. (42 Pa. C.S. § 9796(b.1)). This notice must be sent no more than 30 days nor less than 15 days prior to each offender's annual anniversary date and must remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites. Id. The offender must appear at an approved registration site to complete a verification form and be photographed. (42 Pa. C.S. § 9796(b)). The Pennsylvania State Police must verify the residence of sexual offenders who are not sexually violent predators within ten days before the anniversary of the offender's initial registration. Id.

Sexually violent predators are subject to quarterly verification and must appear between January 5 and January 15, April 5 and April 15, July 5 and July 15, and October 5 and October 15 of each calendar year at an approved registration site to complete a registration form and be photographed. (42 Pa. C.S. § 9796(a), (a.1)). The Pennsylvania State Police verify not only the registration information but that the counseling requirement, if applicable, has been obliged. Id. The Pennsylvania State Police facilitates the verification process for sexually violent predators by sending a notice by first class mail, no more than 30 days nor less than 15 days prior to each quarterly period, to all registered sexually violent predators at their last reported addresses. Id.

B. Failure to Verify

If an offender or sexually violent predator fails to verify his or her registration, the Pennsylvania State Police must immediately notify the municipal police department of the offender's last verified residence. (42 Pa. C.S. § 9796(c)). The local municipal police shall locate the offender or sexually violent predator and arrest him or her. Id. The Pennsylvania State Police shall assume responsibility for locating the offender or sexually violent predator and arresting him in jurisdictions where no municipal police jurisdiction exists. Id. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify his residence. Id. Upon arrest, the offender or sexually violent predator may be subject to prosecution under Pennsylvania law.

IV. Notice of Changes

Offenders and sexually violent predators must inform the Pennsylvania State Police within 48 hours of:

- Any change of residence or establishment of an additional residence or residences
- Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment
- Any change of institution or location at which the person is enrolled as a student, or termination of enrollment
- Becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police

(42 Pa. C.S. § 9795.2).

The Pennsylvania State Police must immediately report a change of residence to the appropriate law enforcement agency having jurisdiction of the offender's or the sexually violent predator's new place of residence. (42 Pa. C.S. § 9796(c)).

V. Notification to Third Parties; Internet Notification

A. Victim Notification

The local municipal police department must give written notice to a sexually violent predator's victim when the predator registers initially and when the predator notifies the Pennsylvania State Police of any change of residence. (42 Pa. C.S. § 9797). This notice must be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. Id. The notice must contain the sexually violent predator's name and residential address(es). Id. A victim may terminate the duty to inform through a written statement requesting that the police department not provide them with notice. Id.

For all other offenders, the victim must be notified in accordance with the Crime Victims Act, the general victims' rights statute. Id.

B. Notification to Other Third Parties

The chief law enforcement officer of the police department having jurisdiction over where a sexually violent predator lives is responsible for providing written notice to:

- Neighbors of the sexually violent predator
- The director of the county children and youth service agency of the county where the sexually violent predator resides

- The superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality where the sexually violent predator resides and of each school district within a one-mile radius of where the sexually violent predator resides
- The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day care home in the municipality where the sexually violent predator resides; and
- The president of each college, university and community college located within 1,000 feet of a sexually violent predator's residence

(42 Pa. C.S. § 9798).

The time frame for notifying neighbors is five days after information of the sexually violent predator's release date and residence has been received by the chief law enforcement officer. Id. All other persons on the above list must be notified within seven days after the chief law enforcement officer receives information regarding the sexually violent predator's release date and residence. Id.

The notice to the third parties must contain the following information:

- The name of the convicted sexually violent predator
- The address or addresses at which he resides
- The offense for which he was convicted, sentenced by a court, adjudicated delinquent or court martialled
- A statement that the individual has been determined by court order to be a sexually violent predator; and
- A photograph of the sexually violent predator
-

Id.

The notice must not include any information that might reveal the victim's name, identity and residence. Id. All of the above information must be available to the public upon request. Id.

C. Internet Notification

The Registry Requirements mandate the Commissioner of the Pennsylvania State Police to develop and maintain a system for making certain information about registrants available to the public via the Internet. (42 Pa. C.S. § 9798.1). The web site should list the following information about each offender:

- name and all known aliases;

- year of birth;
- the street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;
- the street address, municipality, county, zip code and name of any institution or location at which the person is enrolled as a student;
- the municipality, county and zip code of any employment location;
- a photograph of the offender, which must be updated not less than annually;
- a physical description of the offender, including sex, height, weight, eye color, hair color and race;
- any identifying marks, including scars, birthmarks and tattoos;
- the license plate number and description of any vehicle owned or registered to the offender;
- whether the offender is currently compliant with registration requirements;
- whether the victim is a minor;
- a description of the offense or offenses which triggered the application of this subchapter; and
- the date of the offense and conviction, if available.

The information should be posted during the entire period for which the offender is required to maintain registration. Id.

VI. Termination of Particular Registration Requirements

Lifetime registrants who are not sexually violent predators may petition the sentencing court to be exempt from Internet publication after at least 20 years of their registration period have passed. (42 Pa. C.S. § 9795.5). Sexually violent predators may petition the sentencing court to be exempt from notification to third parties, but not Internet publication, after at least 20 years of their registration period have passed. Id.

Pennsylvania Statutes Statutory Requirements

The Statutory Requirements establish a DNA data base and a DNA data bank containing DNA samples collected from individuals convicted for felony sex offenses, in addition to other offenses. (44 Pa. C.S. § 2302). DNA must be collected from all individuals convicted of sex offenses. (See 44 Pa.C.S.A. § 2316). Funding for the program is provided, at least in part, by a mandatory cost of \$250 upon conviction for a felony sex offense (or other offense falling under the statute). (44 Pa. C.S. § 2322).

The Pennsylvania State Police administer the state DNA record system and support law enforcement agencies, as well as provide for liaison with the FBI and other criminal justice agencies in regard to Pennsylvania's participation in CODIS. (44 Pa. C.S. § 2316). CODIS is the FBI's national DNA identification system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories. (44 Pa. C.S. 2303). The state's system's procedures are required to mirror those used by the FBI with CODIS. (See 44 Pa. C.S. § 2315). The DNA sample typing results must be securely stored in the State DNA Data Base, and records of testing must be retained on file with the Pennsylvania State Police consistent with the procedures established by the FBI. (44 Pa. C.S. § 2318). These procedures must also include quality assurance guidelines to ensure that DNA identification records meet standards for laboratories which submit DNA records to the State DNA Data Base. Id.

City Requirements

Registration for Individuals Convicted of Rape

Chapter 10-900 of the Philadelphia Code establishes a registration program for individuals who have been convicted, among other offenses (but not other sex offenses), of rape or attempt to commit rape. The provisions apply to any individual who pleads guilty, nolo contendere, or been adjudged guilty of rape under federal law, Pennsylvania law, or the law of any other state. Residents of Philadelphia, or people who come into the city and remain for more than 48 hours, must register within 72 hours of arrival. The registrant must provide the following information:

- True name and all aliases which he has used or under which he may have been known;
- Complete description of his person;
- Each crime of which he has been convicted;
- The place where such crimes were committed and the place of each conviction;
- The name under which he was convicted in each instance and the date thereof;
- The name and the location of each prison, reformatory, jail or other penal institution in which he was confined or to which he was sentenced;
- The addresses of all of his residences, stopping places, living quarters or places of abode in the City, and whether each is a private residence, hotel, apartment house, or other building or structure;
- The length of time he has occupied each such place of residence, stopping place or place of abode, and the length of time he intends to remain in the City; and
- Such other information as the PPD shall deem necessary or desirable.

At the time of registration, the individual must be photographed and fingerprinted by the PPD. The penalty for violating the registration requirement is a fine not exceeding \$300, imprisonment not exceeding 90 days, or both, for each offense.

Local Requirements

PPD Policy

The PPD's written policy (the "PPD Policy") outlines some of the PPD's policies and procedures regarding handling reports of sex offenses. It imposes requirements on multiple personnel of the PPD, most prominently the Special Victims Unit ("SVU").

I. General Policies

The SVU investigates all sex offenses, including, but not limited to, attempted rape, statutory rape, incest, involuntary deviate sexual intercourse, indecent assault, indecent exposure, and obscene telephone calls, except where misdemeanor level sexual contact is made with a victim during the course of another felony crime, in which case the unit responsible for investigating the felony will investigate the misdemeanor sexual contact. The Crime Scene Unit ("CSU") must provide service to the SVU on a priority basis.

Reports of the criminal incident must always be taken, regardless of the length of time between the date of occurrence and the date the report is made. The police officer fielding the initial report of a sexual assault has the following responsibilities:

- Render first aid to the victim (if necessary)
- Ensure that the crime scene is protected in conformance with internal policy
- Provide flash information to Police Radio when the offender has recently fled the scene
- Ensure that the victim is transported to the appropriate hospital
- Contact the SVU Operations Room by phone if available, otherwise request Police Radio to contact the Special Victims Operations Room
- Prepare a Complaint or Incident Report and submit to the Operations Room Supervisor ("ORS")

The ORS is responsible for obtaining a District Complaint number from the district of occurrence and coding the incident report appropriately. The ORS must notify the SVU by computer message of the report, and indicate whether any unusual circumstances exist.

Rape victims must be taken to the hospital for treatment before being transported to any police facility, unless an SVU supervisor has given verbal approval otherwise. The transporting officer must notify the SVU and the ORS in the district of occurrence of the condition of the victim, remain with the victim until relieved by the assigned investigator or higher authority, and must prepare a complaint or incident report on the hospital case and submit the report to the ORS. The PPD Policy includes a master list of which hospital each division should send victims. However, victims who have sustained serious injuries must be transported to the nearest hospital

for emergency treatment. Detectives are to ensure that victims are provided transportation home from the hospital.

The SVU investigates all sex offenses, including, but not limited to, attempted rape, statutory rape, incest, involuntary deviate sexual intercourse, indecent assault, indecent exposure, and obscene telephone calls. Obscene phone calls will be investigated by the SVU only when the defendant is unknown or there are reasonable grounds for believing that the defendant will not obey a summons, and additional charges can be applied which meet minimum requirements (i.e., separate sentence to imprisonment of more than five years).

As a general policy, it is not necessary for a victim to have resisted in order to prove the validity of the offense.

II. Responsibilities of Assigned Investigators

The assigned investigator must interview the examining physician and obtain written results of his or her examination. The assigned investigator must also interview the complainant, with the following conditions:

- The initial interview should be sufficient to determine all of the investigative steps to be taken and the evidence sought (e.g., whether or not to take fingernail scrapings, what to look for at the crime scene, which pieces of clothing should be maintained as evidence, etc.).
- If the victim is confined to a hospital, the interview must be conducted at the hospital.
- A complete interview must be conducted in SVU Headquarters as soon as possible.

The assigned investigator must ensure that the family of the victim is notified, unless otherwise requested by an adult victim. When applicable, the assigned investigator should utilize social workers, advocacy groups, and other support personnel available at the medical facility to notify families.

The assigned investigator must submit the rape kit obtained from the hospital to the laboratory for processing. A legible copy of the medical examination should be left with the rape kit.

The assigned investigator must obtain an Application and Affidavit for Search Warrant for the offender's clothing and submit any articles to the laboratory for processing. The assigned investigator must also secure the victim's clothing and ensure that suitable replacements are provided. The assigned investigator must heed the following procedures regarding the victim's clothing:

- Obtain outer clothing because it may contain traces of evidence that could establish contact with the defendant or crime scene.

- Each article of clothing must be placed in a separate bag.
- All clothing obtained for scientific examination must be placed on a Property Receipt.

The assigned investigator must, as soon as possible, obtain additional evidence to support the statement of the victim by:

- Conducting a careful crime scene search.
- If applicable, searching inside the vehicle, including the surrounding area.
- Attempting to secure all possible evidence from the scene (e.g., sheets, hair, fibers, secretions, blood, etc.).
- Contact the CSU if obtaining a particular type of evidence is not within the capabilities of the investigator.
- Conducting a detailed neighborhood inquiry.
 - The neighborhood investigation should include interviews with:
 - Residents/business owners
 - Persons present or known to have been in the area at the time of occurrence
 - Those persons who pass through the area regularly (e. g., mail carriers, salesmen, etc.)
- Examine sex offender files to identify suspects who have previously committed offenses. The following aspects of previously committed offenses should be reviewed to uncover similarities, patterns, and/or trends:
 - Area
 - Time of day
 - Type of victim
 - Method of crime
- Ensure that the victim's complaint clearly indicates the elements of the crime (e.g., penetration, force, threat of force).
- Interview all police officers involved in the preliminary investigation.
- Arrange for polygraph examinations when appropriate.
- Utilize image retrieval photo gallery for identification purposes and photo lineups.

Comparison of Requirements for Philadelphia Police Department and Cleveland Division of Police

Unlike Ohio, Pennsylvania does not follow the tier structure mandated by the Adam Walsh Child Safety Act of 2006. However, both states impose different requirements on individuals convicted of sex crimes based on the specific sex crime they committed. Pennsylvania's program differs from Ohio's registration program in a significant respect by having set up a system to identify sexually violent predators, those offenders most likely to become recidivists. Sexually violent predators are subject to lifetime registration and other requirements, including counseling, and local police must give notice of their whereabouts to their victims and certain third parties. Pennsylvania also differs from Ohio by requiring correctional facilities to wait to release individuals convicted of sex crimes until receiving verification from the Pennsylvania State Police that it has received the individual's registration information.

Pennsylvania's sex offender registration program requires local police to provide notice of information about sex offenders to the victims of those offenders and to certain third parties. The Cleveland Division of Police ("CPD") does not have any responsibilities related to registration. Instead, Ohio law imposes all registration requirements on the county sheriffs.

In addition, Philadelphia differs from Cleveland by imposing a city-level registration requirement on individuals who have been convicted of rape.

The PPD Policy provides more detailed guidelines than the CPD's Policy regarding responding to reports of sex crimes. In the PPD, the assigned investigator must ensure that families of victims, so long as the victim does not request otherwise, are notified of what happened. Additionally, the PPD is required to provide victims with replacement clothing, whereas the CPD does not appear to follow such a practice. The PPD also requires investigators to interact with the neighborhood in which the sex crime occurred when investigating the sex crimes. The PPD has established a system for determining which hospital is appropriate for receiving any particular victim. Also, the PPD arranges for transportation of victims home from hospitals. Another difference between the departments is that, in Philadelphia, the SVU receives notice of a sex crime via Internet and not by fax. Finally, the PPD Policy requires the interviewing of victims.



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 107
(2-10-99)**

SUBJECT: RAPE AND OTHER SEX OFFENSES

I. POLICY

- A. The Special Victims Unit (SVU) shall investigate all incidents of rape and other sex offenses.
 - 1. Discretion must be used when referring an investigation to the SVU. In cases where misdemeanor level sexual contact is made with a victim during the course of another felony crime, the dominant crime will be handled by the detective division of occurrence.
 - 2. The SVU shall investigate all felony sexual assaults (e. g., the victim is robbed and raped), and be responsible for the preparation of the Investigation Report (75-49), except homicide offenses.
 - B. A report of the criminal incident shall always be taken regardless of the length of time between the date of occurrence and the date the report is made.
 - C. Resistance of the victim of a sexual offense shall not be considered necessary in order to prove the validity of the offense.
 - D. The Crime Scene Unit (CSU) shall provide service to the SVU on a priority basis.
 - E. A rape victim shall not be transported to any police facility prior to being taken to a hospital for treatment without the verbal approval of a Special Victims supervisor.
-

II. PROCEDURE

- A. The first police officer(s) receiving the initial report of a rape or other sexual assault shall:
 - 1. Render first aid to the victim (if necessary).
 - 2. Ensure that the crime scene is protected in conformance with Directive #2, "Responsibilities at Crime Scenes".
 - 3. Provide flash information to Police Radio when the offender(s) has recently fled the scene. The Radio Memorandum (75-611) shall be used to provide Police Radio with a description of the offender(s). Whenever possible, use the telephone to provide Police Radio with flash information.

DIRECTIVE 107 - 1

4. Ensure that the victim is transported to the appropriate hospital, as outlined in Appendix "A" of this Directive.

NOTE: Victims who have sustained serious injuries shall be transported to the nearest hospital for emergency treatment.

5. Contact the SVU Operations Room by phone if available, otherwise request Police Radio to contact the Special Victims Operations Room.
6. Prepare a Complaint or Incident Report (75-48) and submit to the Operations Room Supervisor (ORS).

B. The transporting officer(s) shall:

1. Transport the victim to the appropriate hospital as outlined in Appendix "A".
2. Notify the SVU and the ORS in the district of occurrence of the condition of the victim.
3. Remain with the victim until relieved by the assigned investigator or higher authority.
4. Prepare a Complaint or Incident Report (75-48) on the hospital case and submit the report to the ORS.

C. The District Patrol Supervisors will:

1. Ensure compliance, when applicable with provisions of Directive #2.
2. Ensure notification to SVU Operations.

D. The Operations Room Supervisor (ORS) will:

1. Obtain a District Complaint (DC) number from the district of occurrence. If unable to determine the district of occurrence, the DC number shall be obtained from the district where the crime was reported.
2. Code the 75-48 in conformance with the Philadelphia Police Department's Incident Classification Manual. If necessary, consult with the SVU supervisor prior to coding the 75-48.
3. Notify the SVU by computer message.

NOTE: Unusual circumstances and additional information will be telephoned to the SVU supervisor.

4. Enter information on the District Daily Complaint Summary (75-67) keeping the complainant's name and address confidential.

E. Supervisor, Special Victims Unit, shall:

1. Assign investigators to investigate the incident, process the crime scene, and ensure the notification of a family member, unless otherwise requested by an adult victim.
2. Notify the CSU to process the crime scene when requested by the assigned investigator(s).
3. Enter information about the incident in the Complaint and Assignment Journal (75-118) and the 75-67, and issue a SVU control number.
4. Direct the entire investigation and ensure compliance with Departmental procedures.
5. Review and evaluate the investigator's findings.
6. Whenever necessary, review and discuss the legal aspects of any investigation with the pertinent Assistant District Attorney.

F. The assigned investigator(s) shall:

1. Interview the examining physician and obtain written results of his/her examination.
2. Personally interview the complainant.
 - a. If the victim is confined to a hospital, the interview will be conducted at the hospital.
 - b. A complete interview will be conducted in SVU Headquarters, as soon as possible.
 - c. The initial interview should be sufficient to determine all of the investigative steps to be taken and the evidence sought (e. g., whether or not to take fingernail scrapings, what to look for at the crime scene, which pieces of clothing should be maintained as evidence, etc.).
3. Notify the family of the victim, unless otherwise requested by an adult victim.
 - a. When applicable, utilize social workers, advocacy groups, and other support personnel available at the medical facility to notify the families.
 - 1) Record the name of the person and the medical facility and/or counseling agency that they are associated with on the Investigation Report (75-49).

4. Secure the victim's clothing and ensure that suitable replacements are provided.
 - a. Outer clothing should be obtained because it may contain traces of evidence that could establish contact with the defendant or crime scene.
 - b. Each article of clothing must be placed in a separate bag.
 - c. All clothing obtained for scientific examination must be placed on a Property Receipt (75-3).
5. Submit the rape kit obtained from the hospital to the laboratory for processing. Leave a legible copy of the medical examination with the rape kit.
6. Obtain an Application and Affidavit for Search Warrant (75-175) for offender(s) clothing and submit articles to laboratory for processing.
7. As soon as possible, obtain additional evidence to support the statement of the victim by:
 - a. Conducting a careful crime scene search.
 - b. If applicable, searching inside the vehicle, including the surrounding area.
 - c. Attempting to secure all possible evidence from the scene (e.g., sheets, hair, fibers, secretions, blood, etc.)
 - d. Following the procedures outlined in Directive 2.

NOTE: If obtaining this type of evidence is not within the capabilities of the investigator, the CSU shall be used.

- e. Conducting a detailed neighborhood inquiry.
 - 1) The neighborhood investigation should include interviews with:
 - Residents/business owners
 - Persons present or known to have been in the area at the time of occurrence.
 - Those persons who pass through the area regularly (e. g., mail carriers, salesmen, etc.).

8. Examine sex offender files to identify suspects who have previously committed offenses. A review of the

- a. Area
- b. Time of day
- c. Type of victim
- d. Method of crime

should be undertaken to uncover similarities, patterns and/or trends.

9. Ensure that the victim's complaint clearly indicates the elements of the crime (e. g., penetration, force, threat of force).
10. Interview all police officers involved in the preliminary investigation.
11. Arrange for polygraph examinations when appropriate.
12. Utilize image retrieval photo gallery for identification purposes and photo lineups.

G. Other Sex Offenses

1. The SVU shall investigate all other sex offenses, which shall include but not be limited to the following:

- a. Attempted Rape
- b. Statutory Rape
- c. Incest
- d. Involuntary Deviate Sexual Intercourse
- e. Indecent Assault
- f. Aggravated Indecent Assault
- g. Indecent Exposure
- h. Obscene Telephone Calls

- 1) The SVU will investigate obscene phone calls when:

- a) Additional charges can be applied which are greater than M-3 or the charge is punishable by a separate sentence to imprisonment of more than five (5) years; and
- b) There are reasonable grounds for believing that the defendant will not obey a summons or the identity of the defendant is unknown.
- c) The detective division of occurrence will investigate all other obscene telephone calls.

- i. All juvenile abductions and attempted juvenile abductions that are not initially believed to be a custodial dispute.
 - j. Pornography
2. The SVU may refer (by letter) selected cases to the Special Intake Unit of the Family Court for review.

BY COMMAND OF THE POLICE COMMISSIONER



PHILADELPHIA POLICE DEPARTMENT

DIRECTIVE 107
(2-10-99)

APPENDIX "A"

SUBJECT: RAPE AND SEX OFFENSES HOSPITAL TREATMENT

I. POLICY

A. Rape victims who have sustained serious injuries shall be transported to the nearest hospital for emergency treatment.

- *2 B. Victims of rape, incest or involuntary deviate sexual intercourse 13 years of age or older are to be taken to the following hospitals according to the police division where the crime is reported:

Jefferson Hospital

Episcopal Hospital

- | | | |
|----|---------------------------|---------------------------|
| *1 | Central Police Division | East Police Division |
| | South Police Division | Northeast Police Division |
| | Southwest Police Division | Northwest Police Division |

- *2 C. Sexually assaulted children under the age of 13 years will be examined at one of the following hospitals according to the police division where the crime is reported:

Jefferson Hospital

Children's Hospital

- | | | |
|----|---------------------------|---------------------------|
| *1 | Central Police Division | Northwest Police Division |
| | East Police Division | South Police Division |
| | Northeast Police Division | Southwest Police Division |

BY COMMAND OF THE POLICE COMMISSIONER



PHILADELPHIA POLICE DEPARTMENT

**DIRECTIVE 107
(2-10-99)**

APPENDIX "B"

SUBJECT: CHILD ABUSE NOTIFICATION PROCEDURE

I. POLICY

- A. Police officers will promptly report child abuse and suspected child neglect in accordance with the provisions of the Child Protective Services law and this directive.
 - B. Police officers are required to report suspected child abuse when in the course of their duties they have reason to believe, on the basis of their experience and training, that a child is abused.
 - C. Police officers are reminded that nothing in the Child Protective Services law shall be construed to restrict the generally recognized existing rights of parents to exercise reasonable supervision and control when raising their children.
-

II. PURPOSE

- A. Abused children are in urgent need of an effective child protection service to prevent them from suffering further injury or impairment.
-

III. DEFINITION

- A. Child Abuse - for the purpose of this directive, shall be defined as serious physical/mental injury (not explained by being accidental, sexual abuse, sexual exploitation, or serious physical neglect) of a child UNDER 18 years of age.

Sexual Abuse – means the obscene or pornographic photographing, filming, or depiction of children for commercial purposes or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened.

IV. PROCEDURE

A. Serious Neglect and/or Sexual/Physical Abuse

1. Police personnel reporting, observing, or receiving information of sexual/physical abuse; children left alone or unattended, or "children at risk": (those children who appear seriously neglected as a result of possible malnutrition, lack of medical attention or dangerous environmental conditions) will:
 - a. Follow the procedure outlined in this directive and those listed in Directive #2, "Responsibilities at Crime Scenes".
 - b. Prepare a Complaint or Incident Report (75-48) outlining the pertinent details. In these cases, the notification to the Department of Human Services (DHS) will be made by Special Victims Unit (SVU) personnel.
 - c. Notify Operations Room Supervisor and relay details of the incident.
 - d. Notify the SVU of the incident and be guided by the instructions of the SVU supervisor. The SVU will coordinate their investigation with DHS.
2. The following criteria may be used to determine indications of neglect/abuse:

Physical abuse: Unexplained bruises, welts, burns, fractures, lacerations, and abrasions.

Neglect: Consistent hunger, poor hygiene, dress which is inappropriate for weather or environmental conditions, lack of supervision, especially in dangerous activities or long periods (particularly children of tender age), unattended physical or medical needs, and abandonment.

Sexual abuse: Bruises and/or bleeding in external genitalia, vaginal or anal areas; venereal disease in pre-teens; books, magazines, films, videotapes, photographs, and/or other sexually explicit material.

B. Suspected Child Neglect -- Police personnel will immediately report cases of suspected child neglect in the following manner:

1. Police personnel observing children who appear to be neglected as a result of a lack of adequate parental care or supervision, or who have received information from a responsible individual (teacher, caretaker, neighbor, relative), will:
 - a. Prepare a 75-48 in the district of occurrence outlining the pertinent details to include:

- (1) Child's name, date of birth or approximate age
 - (2) Parents/Guardians name(s)
 - (3) Physical conditions of child/children
 - (4) Environmental conditions
 - (5) Relatives' name, address, and telephone number
2. Operations Room Supervisor will classify the incident in accordance with the Philadelphia Police Department's Incident Classification Manual (Code 3140 – Suspected Child Neglect, No Report to Follow) and ensure:
- a. Notification to DHS at the Child Abuse Hotline, 686-6100.
 - b. Entries as to date, time, name and position of person notified at DHS are recorded on the 75-48 and the district Daily Complaint Summary (75-67).

BY ORDER OF THE POLICE COMMISSIONER

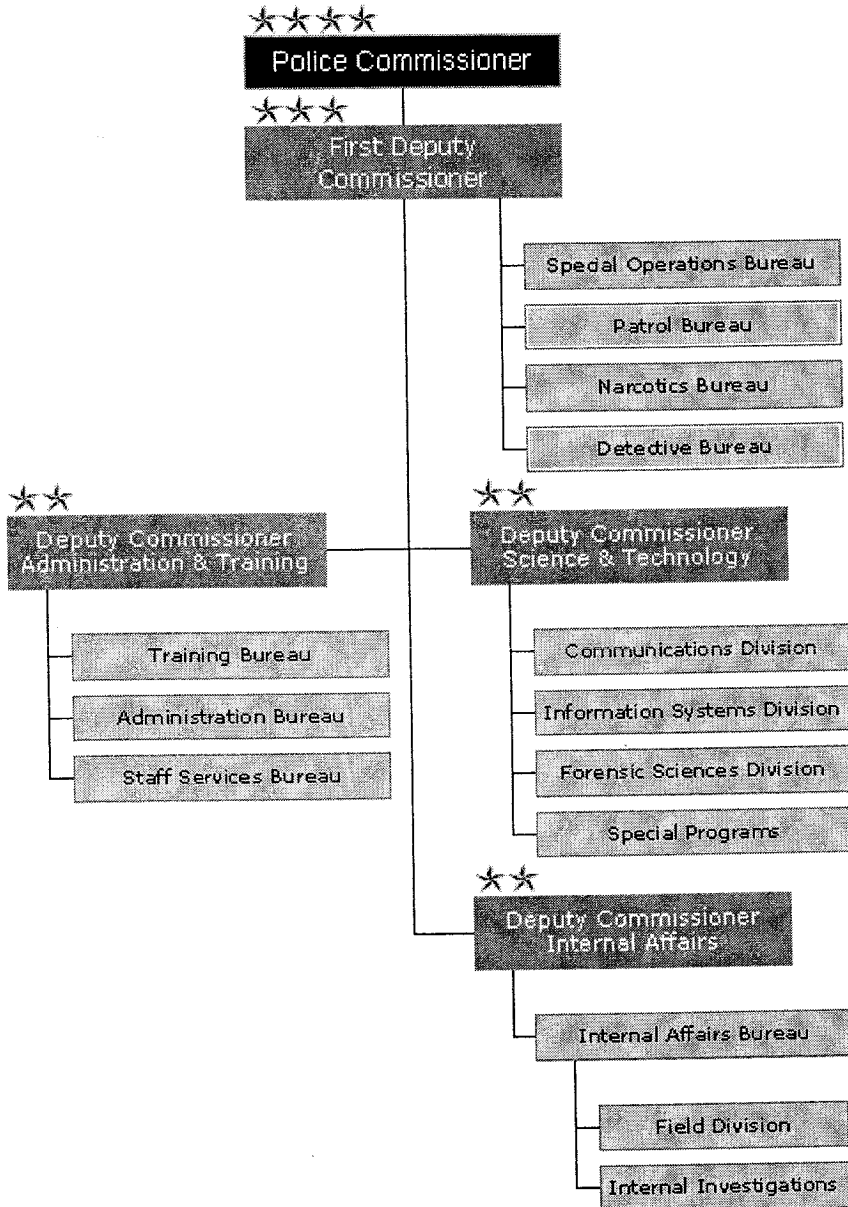
<u>*FOOTNOTE #</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REVISION</u>
*1			As a result of merging Patrol Divisions
*2	8238	09-21-05	CHANGES

Organizational Overview

Macro Organization Chart

PREVIOUS PAGE

This organization chart depicts a very general view of the structure of the Philadelphia Police Department. A more detailed structural chart may be available to interested parties by contacting the police department's Research and Planning Unit at 215.686-3277.



EXECUTIVE SUMMARY

Pittsburgh, Pennsylvania – Requirements Related to Sex Crimes and Offenders

Introduction

Pennsylvania's sex offender registration system imposes certain requirements (the "Registry Requirements") on local law enforcement agencies such as the Pittsburgh Bureau of Police (the "Bureau"). The Bureau is also subject to other statutory requirements (the "Statutory Requirements"). The Bureau is required to conform to its own policies as outlined in its written policy (the "Bureau Policy").

State Law Requirements

Under the Registry Requirements, the Bureau must: (1) receive sex offenders' registration information via the Pennsylvania State Police; (2) receive notice from the Pennsylvania State Police regarding a sex offender's failure to provide registration information or to verify information; (3) locate a sex offender who has failed to verify his or her information and arrest the offender; (4) provide written notice to victims of sexually violent predators when the sexually violent predator registers initially and when the sexually violent predator changes his or her residential address; (5) provide notice to victims of sex offenders who are not sexually violent predators in accordance with the Crime Victims Act, a general victims' rights statute; and (6) provide written notice to certain other third parties of a sex offender's name, residential address, and other information.

Under the Statutory Requirements, the Bureau must assist in the state DNA data collection and testing program.

Local Requirements

The Bureau's Sex Assault Unit investigates all sexual offenses. The Bureau Policy outlines the duties and responsibilities of general personnel, Major Crimes Division personnel, and the Sex Assault Unit within the Major Crimes Division, with respect to handling reports of sex offenses.

Comparison of Requirements for Pittsburgh Bureau of Police and Requirements for Cleveland Division of Police

Both Ohio and Pennsylvania impose different requirements on offenders based on the specific sex offense they committed. Pennsylvania's program differs from Ohio's registration program in a significant respect by identifying individuals more likely to become recidivists and subjecting them to lifetime registration and other requirements, including counseling. Also, correctional facilities in Pennsylvania must wait to release individuals convicted of sex crimes

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

until receiving verification from the Pennsylvania State Police that it has received the individual's registration information.

Pennsylvania's sex offender registration program requires local police to provide notice of information about sex offenders to the victims of those offenders and to certain third parties. The Cleveland Division of Police ("CPD") does not have any responsibilities related to registration. Instead, Ohio law imposes all registration requirements on the county sheriffs.

Like the CPD the Bureau has a sex assault unit responsible for handling all reports of sex crimes. Also like the CPD's unit, the Sex Assault Unit does not operate 24/7. However, Pittsburgh has firmer procedures in place for hours the Sex Assault Unit does not operate, via its policy of having Night Felony personnel perform interviews, collect evidence, and make reports of sex offenses.

SUMMARY

Pittsburgh, Pennsylvania – Requirements Related to Sex Crimes and Offenders

Background Information on Pittsburgh and the Pittsburgh Bureau of Police

The Pittsburgh Bureau of Police (the “Bureau”) has 850 police officers that serve Pittsburgh’s population of 309,757. See Crime in the United States, 2008, an FBI report available online. The Bureau’s Sex Assault and Family Crisis Unit (the “Unit”), part of the Major Crimes Division (“Major Crimes”), investigates all sexual offenses. See 2007 Pittsburgh Bureau of Police Annual Report. In 2009, the Bureau received 246 reports of sex offenses, compared to 309 such reports in 2008. See Pennsylvania Uniform Crime Reporting System web site. In 2008, there were 136 reported cases of rape in Pittsburgh. In 2007, there were 158 rape cases, with a 38% clearance rate. See 2007 Pittsburgh Bureau of Police Annual Report.

Sources of Authority Regarding Pittsburgh Bureau of Police Requirements Related to Sexual Offenses

There are three sources of authority that establish the requirements that the Bureau must comply with in relation to sexual offenses: (1) the sex offender registry as established by Pennsylvania statutory authority (the “Registry Requirements”), (2) other statutory requirements imposed by Pennsylvania statutory authority (the “Statutory Requirements”), and (3) the Bureau’s “Rape Investigations” written policy (the “Bureau Policy”). All sources referenced in this Summary are attached.

Pennsylvania Statutes Sex Offender Registry

Under Pennsylvania’s Registry Requirements, persons convicted of sex crimes must register with the Pennsylvania State Police, notify the Pennsylvania State Police of changes, and verify their registration at scheduled times. The Registry Requirements also require the exchange of information about offenders among law enforcement agencies, provide for notification of information about sex offenders to victims and certain other third parties, and authorize access to certain information about the offenders on the Internet. The system imposes obligations on the offenders, the court system, county correctional facilities, the state Department of Corrections, the Pennsylvania State Police, and local law enforcement agencies.

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

I. Who Qualifies as a Sex-Offender¹

The Registry Requirements apply to anyone convicted in Pennsylvania of certain sex crimes, as well as individuals who have been convicted of offenses similar to the Pennsylvania state crimes listed by the statute in the United States, another state, the District of Columbia, Puerto Rico, or a foreign nation or under a former law of Pennsylvania. (42 Pa. C.S. § 9795.1). The Registry Requirements apply to Pennsylvania state residents and any offenders who goes to school or works in Pennsylvania. (42 Pa. C.S. § 9795.1(b)(4)). The Registry Requirements provide, for the most part, that individuals who move, work, or go to school in Pennsylvania who were required to report in other states are subject to equivalent reporting requirements in Pennsylvania, though sexually violent predators are exempt from Pennsylvania's counseling requirement, as detailed below (See 42 Pa. C.S. § 9799.4). See id.

Individuals convicted of the following crimes, or of an attempt, conspiracy, or solicitation to commit any of these offenses (or of those listed for convictions triggering lifetime registration) are subject to a registration period of ten years:

- Kidnapping (where the victim is a minor) (18 Pa. C.S. § 2901)
- Luring a child into a motor vehicle or structure (18 Pa. C.S. § 2910)
- Institutional sexual assault (18 Pa. C.S. § 3124.2)
- Indecent assault (offense graded as a misdemeanor of first degree or higher) (18 Pa. C.S. § 3126)
- Incest (where the victim is at least 12 but under 18) (18 Pa. C.S. § 4302)
- Prostitution and related offenses (where the actor promotes the prostitution of a minor) (18 Pa. C.S. § 5902(b))
- Relating to obscene and other sexual materials and performances (where the victim is a minor) (18 Pa. C.S. § 5903(a)(3), (4), (5), or (6))
- Sexual abuse of children (18 Pa. C.S. § 6312)
- Unlawful contact with minor (18 Pa. C.S. § 6318)
- Sexual exploitation of children (18 Pa. C.S. § 6320)

(18 Pa. C.S. § 9795.1).

Individuals convicted of the following crimes are subject to lifetime registration (as are individuals who have been convicted of two of the offenses above):

- Rape (18 Pa. C.S. § 3121)
- Involuntary deviate sexual intercourse (18 Pa. C.S. § 3123)

¹ Of note, Pennsylvania does not currently follow the tier structure mandated for all states by the federal government via the Adam Walsh Child Protection and Safety Act of 2006. It is unknown whether the state will attempt to comply with the Act.

- Sexual assault (18 Pa. C.S. § 3124.1)
- Aggravated indecent assault (18 Pa. C.S. § 3125)
- Incest (when the victim is under 12) (18 Pa. C.S. § 4302)

(18 Pa. C.S. § 9795.1).

Sexually violent predators, people convicted of any of the sexual offenses listed above who are found to have more of a disposition to become recidivists due to mental abnormalities or personality disorders, are also subject to lifetime registration. Id. For an individual to be deemed a sexually violent predator, a court must order an individual convicted of one of the sexual offenses above to be assessed by the State Sexual Offenders Assessment Board (the “Board”) before sentencing. (42 Pa. C.S. § 9795.4). The Board is composed of psychiatrists, psychologists, and criminal justice experts. (42 Pa. C.S. § 9799.3). It is appointed by the Governor, and members serve four-year terms. Id. The order for an assessment must be sent to the Board within ten days of the date of conviction. (42 Pa. C.S. § 9795.4). Upon receipt from the court of an order for an assessment, a member of the Board as designated by the administrative officer of the board must conduct an assessment of the individual to determine if the individual should be classified as a sexually violent predator. Id. Assessments take into account some of the following factors:

- Facts of the current offense, including:
 - Whether the offense involved multiple victims
 - Whether the individual exceeded the means necessary to achieve the offense
 - The nature of the sexual contact with the victim
 - Relationship of the individual to the victim
 - Age of the victim
 - Whether the offense included a display of unusual cruelty by the individual during the commission of the crime
 - The mental capacity of the victim
- Prior offense history, including:
 - The individual's prior criminal record
 - Whether the individual completed any prior sentences
 - Whether the individual participated in available programs for sexual offenders
- Characteristics of the individual, including:
 - Age of the individual
 - Use of illegal drugs by the individual
 - Any mental illness, mental disability or mental abnormality
 - Behavioral characteristics that contribute to the individual's conduct

- Other factors that are supported in a sexual offender assessment field as criteria reasonably related to the risk of reoffense

Id.

The Board must submit its assessment report to the district attorney within 90 days. Id. Upon reviewing the assessment, the district attorney must decide whether to issue a praecipe, which will trigger a hearing to determine if the individual should be classified a sexually violent predator. See id. The individual must be given notice of the hearing and an opportunity to be heard, the right to call witnesses, the right to call expert witnesses and the right to cross-examine witnesses. Id. In addition, the individual shall have the right to counsel and to have a lawyer appointed to represent him if he cannot afford one. Id. At the hearing, and prior to sentencing, the court must determine whether it has been proven by clear and convincing evidence that the individual is a sexually violent predator. Id.

II. Registration

A. *Initial Registration*

Offenders and sexually violent predators must provide the Pennsylvania State Police with all current or intended residences, all information concerning current or intended employment, and all information concerning current or intended enrollment as a student. Id. Individuals subject to registration must submit to fingerprinting and photographing at approved registration sites. (42 Pa. C.S. § 9795.2(e); 42 Pa. C.S. § 9799.2).

Offenders and sexually violent predators are required to register with the Pennsylvania State Police upon release from incarceration, upon parole from a state or county correctional institute or upon the commencement of a sentence of intermediate punishment or probation. (42 Pa. C.S. § 9795.2).

B. *Prerelease Notification*

The sentencing court is required to do the following:

- Specifically inform the offender or sexually violent predator of the duty to register and provide the information required for each registration, including verification
- Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days if the offender or sexually violent predator changes residence or establishes an additional residence or residences, changes employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that exceeds 30 days during any calendar year or terminates employment or changes institution or location at which the person is enrolled as a student or terminates enrollment
- Specifically inform the offender or sexually violent predator of the duty to inform the Pennsylvania State Police within ten days of becoming employed or enrolled as a

student if the person has not previously provided that information to the Pennsylvania State Police

- Specifically inform the offender or sexually violent predator of the duty to register with the law enforcement agency in the new location if the offender or sexually violent predator moves to another state no later than ten days after establishing residence in another state
- Order the fingerprints and photograph of the offender or sexually violent predator to be provided to the Pennsylvania State Police upon sentencing
- Specifically inform the offender or sexually violent predator of the duty to register with the appropriate authorities in any state in which the offender or sexually violent predator is employed, carries on a vocation or is a student if the state requires such registration
- Require the offender or sexually violent predator to read and sign a form stating that the duty to register has been explained. Where the offender or sexually violent predator is incapable of reading, the court must certify the duty to register was explained to the offender or sexually violent predator and the offender or sexually violent predator indicated an understanding of the duty

(42 Pa C.S. § 9795.3).

When an offender or sexually violent predator is granted parole or is sentenced to probation or intermediate punishment the Board or county office of probation and parole must collect registration information from the offender or sexually violent predator and forward that registration information to the Pennsylvania State Police. Id. The Department of Corrections or county correctional facility may not release the offender or sexually violent predator until it receives verification from the Pennsylvania State Police that it has received the registration information. Id.

Similarly, when an offender or sexually violent predator is scheduled to be released from a correctional facility, the Department of Corrections or county correctional facility must collect the information from the offender or sexually violent predator no later than ten days prior to the date of release. Id. The registration information must then be forwarded to the Pennsylvania State Police. Id.

C. Notification of Local Police

The Pennsylvania State Police must provide all registration information as well as sentencing court information and information relating to verification of residence to the chief law enforcement officers of the municipalities in which the sex offender will reside, be employed, or be enrolled as a student. (42 Pa. C.S. § 9795.2(c)). In addition, the Pennsylvania State Police shall provide the chief law enforcement officers with the offender's residential, employment, and/or school address. Id. The Pennsylvania State Police also must provide notice to chief law enforcement officers when the sex offender has failed to provide the required registration

information, in addition to notice that individuals will no longer be residing, employed, or enrolled in the municipality. Id.

D. Additional Requirements for Sexually Violent Predators

Sexually violent predators are required to attend at least monthly counseling sessions in a program approved by the Board. (42 Pa. C.S. § 9799.4). Sexually violent predators are responsible for paying for these sessions, unless they can prove to the court that they cannot afford to pay, in which case the parole office will pay. Id. The Board must monitor the sexually violent predator's compliance with the counseling requirement. Id.

III. Periodic Verification of Registration

A. Frequency of Verification

To facilitate the verification process of offenders who are not sexually violent predators, the Pennsylvania State Police must send a notice by first class mail to all registered offenders at their last reported residence. (42 Pa. C.S. § 9796(b.1)). This notice must be sent no more than 30 days nor less than 15 days prior to each offender's annual anniversary date and must remind the offender of the annual verification requirement and provide the offender with a list of approved registration sites. Id. The offender must appear at an approved registration site to complete a verification form and be photographed. (42 Pa. C.S. § 9796(b)). The Pennsylvania State Police must verify the residence of sexual offenders who are not sexually violent predators within ten days before the anniversary of the offender's initial registration. Id.

Sexually violent predators are subject to quarterly verification and must appear between January 5 and January 15, April 5 and April 15, July 5 and July 15, and October 5 and October 15 of each calendar year at an approved registration site to complete a registration form and be photographed. (42 Pa. C.S. § 9796(a), (a.1)). The Pennsylvania State Police verify not only the registration information but that the counseling requirement, if applicable, has been obliged. Id. The Pennsylvania State Police facilitates the verification process for sexually violent predators by sending a notice by first class mail, no more than 30 days nor less than 15 days prior to each quarterly period, to all registered sexually violent predators at their last reported addresses. Id.

B. Failure to Verify

If an offender or sexually violent predator fails to verify his or her registration, the Pennsylvania State Police must immediately notify the municipal police department of the offender's last verified residence. (42 Pa. C.S. § 9796(c)). The local municipal police shall locate the offender or sexually violent predator and arrest him. Id. The Pennsylvania State Police shall assume responsibility for locating the offender or sexually violent predator and arresting him in jurisdictions where no municipal police jurisdiction exists. Id. The Pennsylvania State Police shall assist any municipal police department requesting assistance with locating and arresting an offender or sexually violent predator who fails to verify his residence. Id. Upon arrest, the offender or sexually violent predator may be subject to prosecution under Pennsylvania law.

IV. Notice of Changes

Offenders and sexually violent predators must inform the Pennsylvania State Police within 48 hours of:

- Any change of residence or establishment of an additional residence or residences
- Any change of employer or employment location for a period of time that will exceed 14 days or for an aggregate period of time that will exceed 30 days during any calendar year, or termination of employment
- Any change of institution or location at which the person is enrolled as a student, or termination of enrollment
- Becoming employed or enrolled as a student if the person has not previously provided that information to the Pennsylvania State Police

(42 Pa. C.S. § 9795.2).

The Pennsylvania State Police must immediately report a change of residence to the appropriate law enforcement agency having jurisdiction of the offender's or the sexually violent predator's new place of residence. (42 Pa. C.S. § 9796(c)).

V. Notification to Third Parties; Internet Notification

A. *Victim Notification*

The local municipal police department must give written notice to a sexually violent predator's victim when the predator registers initially and when the predator notifies the Pennsylvania State Police of any change of residence. (42 Pa. C.S. § 9797). This notice must be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. Id. The notice must contain the sexually violent predator's name and residential address(es). Id. A victim may terminate the duty to inform through written statement requesting that the police department not provide them with notice. Id.

For all other offenders, the victim must be notified in accordance with the Crime Victims Act, the general victims' rights statute. Id.

B. *Notification to Other Third Parties*

The chief law enforcement officer of the police department having jurisdiction over where a sexually violent predator lives is responsible for providing written notice to:

- Neighbors of the sexually violent predator
- The director of the county children and youth service agency of the county where the sexually violent predator resides

- The superintendent of each school district and the equivalent official for private and parochial schools enrolling students up through grade 12 in the municipality where the sexually violent predator resides and of each school district within a one-mile radius of where the sexually violent predator resides
- The licensee of each certified day care center and licensed preschool program and owner/operator of each registered family day care home in the municipality where the sexually violent predator resides
- The president of each college, university and community college located within 1,000 feet of a sexually violent predator's residence

(42 Pa. C.S. § 9798).

The time frame for notifying neighbors is five days after information of the sexually violent predator's release date and residence has been received by the chief law enforcement officer. Id. All other persons on the above list must be notified within seven days after the chief law enforcement officer receives information regarding the sexually violent predator's release date and residence. Id. The notice to the third parties must contain the following information:

- The name of the convicted sexually violent predator
- The address or addresses at which he resides
- The offense for which he was convicted, sentenced by a court, adjudicated delinquent or court martialled
- A statement that the individual has been determined by court order to be a sexually violent predator
- A photograph of the sexually violent predator

Id.

The notice must not include any information that might reveal the victim's name, identity and residence. Id. All of the above information must be available to the public upon request. Id.

C. Internet Notification

The Registry Requirements mandate the Commissioner of the Pennsylvania State Police to develop and maintain a system for making certain information about registrants available to the public via the Internet. (42 Pa. C.S. § 9798.1). The web site should list the following information about each offender:

- name and all known aliases;
- year of birth;

- the street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;
- the street address, municipality, county, zip code and name of any institution or location at which the person is enrolled as a student;
- the municipality, county and zip code of any employment location;
- a photograph of the offender, which must be updated not less than annually;
- a physical description of the offender, including sex, height, weight, eye color, hair color and race;
- any identifying marks, including scars, birthmarks and tattoos;
- the license plate number and description of any vehicle owned or registered to the offender;
- whether the offender is currently compliant with registration requirements;
- whether the victim is a minor;
- a description of the offense or offenses which triggered the application of this subchapter; and
- the date of the offense and conviction, if available.

The information should be posted during the entire period for which the offender is required to maintain registration. Id.

VI. Termination of Particular Registration Requirements

Lifetime registrants who are not sexually violent predators may petition the sentencing court to be exempt from Internet publication after at least 20 years of their registration period have passed. (42 Pa. C.S. § 9795.5). Sexually violent predators may petition the sentencing court to be exempt from notification to third parties, but not Internet publication, after at least 20 years of their registration period have passed. Id.

Pennsylvania Statutes Statutory Requirements

The Statutory Requirements establish a DNA data base and a DNA data bank containing DNA samples collected from individuals convicted for felony sex offenses, in addition to other offenses. (44 Pa. C.S. § 2302). DNA must be collected from all individuals convicted of sex offenses. (See 44 Pa.C.S.A. § 2316). Funding for the program is provided, at least in part, by a mandatory cost of \$250 upon conviction for a felony sex offense (or other offense falling under the statute). (44 Pa. C.S. § 2322).

The State Police administer the state DNA record system and support law enforcement agencies, as well as provide for liaison with the FBI and other criminal justice agencies in regard to Pennsylvania's participation in CODIS. (44 Pa. C.S. § 2316). CODIS is the FBI's national

DNA identification system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories. (44 Pa. C.S. 2303). The state's system's procedures are required to mirror those used by the FBI with CODIS. (See 44 Pa. C.S. § 2315). The DNA sample typing results must be securely stored in the State DNA Data Base, and records of testing must be retained on file with the State Police consistent with the procedures established by the FBI. (44 Pa. C.S. § 2318). These procedures must also include quality assurance guidelines to ensure that DNA identification records meet standards for laboratories which submit DNA records to the State DNA Data Base. Id.

The Pittsburgh Bureau of Police Policy

Written Policy

The Bureau's Department Policy outlines some of the Bureau's policies and procedures regarding handling reports of sex offenses. It imposes requirements on general personnel, the Unit, and Major Crimes officers generally.

I. Duties and Responsibilities of Major Crimes Personnel

Major Crimes must be notified immediately in all cases where rape or involuntary deviate sexual intercourse ("IDSI") has been reported. Upon receipt of a report of rape or IDSI, the Sergeant of the Unit or Major Crimes Supervisor determines who will be assigned to the investigation.

Major Crimes personnel must collect physical evidence from the victim's body from the hospital, typically in the form of a rape kit, and must also collect all evidence from the body of the perpetrator, i.e. saliva sample, head and pubic hair, and blood samples, and the actor's underwear or other clothing, if necessary.

If a rape occurs between midnight and eight am, the initial investigation and/or arrest are handled by Night Felony personnel. Night Felony duties include interviewing victim(s), suspects and witnesses, and evidence collection. The Night Felony Supervisor must ensure that all reports are completed before the end of the detectives' tour of duty and must forward copies to the Sergeant of the Unit. If necessary, the Night Felony Supervisor will notify the Unit Sergeant for assistance. The Unit Sergeant will assist in any way deemed appropriate.

If the Unit or Night Felony Detectives are not available, a Major Crimes Supervisor must be notified to make the determination on how to proceed with the on-view arrest for rape or IDSI.

II. Duties and Responsibilities of General Personnel

Whenever a rape or IDSI occurs, the initial responding officer must:

- Provide immediate medical assistance if needed.

- Transport the victim to the hospital (of the victim's choice if practical) for the collection of physical evidence from the victim's body, i.e. rape kit. Major Crimes personnel must collect this evidence from the hospital.
- Secure the crime scene and preserve evidence.
- Prevent unnecessary police personnel and civilians from contaminating or entering the crime scene.
- Detain and separate all witnesses, if possible.
- Contact and notify desk personnel at Police Headquarters immediately.
- Notify the Zone supervisor.
- Write the initial report. Initial responding officers will not conduct an extensive interview with the victim.

The Zone supervisor must ensure that Major Crimes personnel are notified immediately about the rape or IDSI. Upon the arrival of Major Crimes personnel, the initial responding officers must turn the investigation over to them. The initial responding officer must relay any information that may have been obtained and must transfer the custody of any evidence that may have been discovered to Major Crimes Personnel.

If a person of interest is detained or an on-view arrest is made, Major Crimes personnel must be notified immediately. The officer will not question this person or advise them of their rights. However, if this individual should freely make any statements, these statements must be recorded on the initial report. Officers making an on-view arrest should not make an immediate transport to the Allegheny County Jail. Rather, all perpetrators must be transported to Police Headquarters, unless immediate medical attention is necessary or unless otherwise directed by Major Crimes personnel. General personnel will render assistance to Major Crimes personnel as requested.


Comparison of Requirements for Pittsburgh Bureau of Police and Requirements for Cleveland Division of Police

Unlike Ohio, Pennsylvania does not follow the tier structure mandated by the Adam Walsh Child Safety Act of 2006. However, both states impose different requirements on offenders based on the specific sex offense they committed. Pennsylvania's program differs from Ohio's registration program in a significant respect through its having set up a system to identify sexually violent predators, those offenders most likely to become recidivists. Sexually violent predators are subject to lifetime registration and other requirements, including counseling, and local police must give notice of their whereabouts to their victims and certain third parties.

Pennsylvania's sex offender registration program requires local police to provide notice of information about sex offenders to the victims of those offenders and to certain third parties.

The Cleveland Division of Police (the "CPD") does not have any responsibilities related to registration. Instead, Ohio law imposes all registration requirements on the county sheriffs.

Like the CPD, the Bureau has a sex assault unit responsible for handling all reports of sex crimes. Also like the CPD's unit, the Unit does not operate 24/7. However, Pittsburgh has firmer procedures in place for hours the Unit does not operate, via its policy of having Night Felony personnel perform interviews, collect evidence, and make reports of sex offenses.

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "RAPE INVESTIGATIONS"	ORDER NUMBER: 43-3
		PLEAC STANDARD:	PAGE 1 OF 2
RE-ISSUE DATE: 1/3/05	EFFECTIVE DATE: 10/18/04	ANNUAL REVIEW DATE: AUGUST	RESCINDS: ALL PREVIOUS
			AMENDS: 43-3

1.0 POLICY/PURPOSE

- 1.1 In all cases of Rape or Involuntary Deviate Sexual Intercourse (IDSI), Major Crimes shall be notified immediately. Major Crimes personnel shall respond to the scene and assume complete command of the investigation.

2.0 ZONE PERSONNEL - DUTIES AND RESPONSIBILITIES

- 2.1 Whenever a Rape or IDSI occurs, the police officer(s) receiving the initial call shall respond and shall:
- 2.1.1 Provide immediate medical assistance if needed.
 - 2.1.2 Secure the crime scene and preserve evidence.
 - 2.1.3 Convey the victim to the hospital (of the victim's choice if practical) for the collection of physical evidence from the victim's body, i.e. rape kit. Major Crimes personnel will collect this evidence from the hospital.
 - 2.1.4 Detain and separate all witnesses, if possible.
 - 2.1.5 Prevent unnecessary police personnel and civilians from contaminating or entering the crime scene.
 - 2.1.6 Notify the Zone supervisor.
 - 2.1.7 Contact and notify desk personnel at Police Headquarters immediately.
 - 2.1.8 Write the initial report. Initial responding officers will not conduct an extensive interview with the victim.
- 2.2 The Zone supervisor will ensure Major Crimes personnel are notified immediately about the Rape or IDSI.
- 2.3 Upon the arrival of Major Crimes personnel, the initial responding officers shall turn the investigation over to them.
- 2.4 The initial responding officer(s) will relay any information that may have been obtained and will transfer the custody of any evidence that may have been discovered to Major Crimes Personnel as well.
- 2.5 If a person of interest is detained or an on-view arrest is made, Major Crimes personnel shall be notified immediately.
- 2.6 If a person of interest is detained or an on-view arrest is made, the officer(s) will not question this person or advise them of their rights. However, if this individual should freely make any statements, these statements shall be recorded on the initial report.
- 2.7 Officers making an on-view arrest should **not** make an immediate transport to the Allegheny County Jail. All actors shall be transported to Police Headquarters unless immediate medical attention is necessary or unless otherwise directed by Major Crimes Personnel.
- 2.8 Zone Personnel will render assistance to Major Crimes personnel as requested.

3.0 MAJOR CRIMES PERSONNEL - DUTIES AND RESPONSIBILITIES

- 3.1 Upon receipt of notification of a Rape or IDSI, the Sex Assault Sergeant or Major Crimes Supervisor shall determine who shall be assigned to the Investigation.
- 3.2 Major Crimes personnel will collect the physical evidence from the victim's body (i.e., rape kit) from the hospital.

SUBJECT: "RAPE INVESTIGATIONS"	ORDER NUMBER: 43-3	PAGE 2 OF 2
--	------------------------------	--------------------

- 3.3 Major Crimes personnel will collect all evidence from the body of the actor, i.e. saliva sample, head and pubic hair, and blood samples, and the actor's underwear or other clothing, if necessary.
- 3.4 If Sex Assault or Night Felony Detectives are not available, a Major Crimes Supervisor will be notified to make the determination on how to proceed with the on-view arrest for Rape or IDS1.
- 3.5 If a Rape occurs between 2400 and 0800 hours, the initial investigation and/or arrest will be handled by Night Felony personnel. Night Felony duties will include interviewing victim(s), suspects and witnesses, and evidence collection.
- 3.6 The Night Felony Supervisor will ensure that all reports are completed before the end of the detectives' tour of duty and will forward copies to the Sex Assault Sergeant.
- 3.7 If necessary, the Night Felony Supervisor will notify the Sex Assault Sergeant for assistance. The Sex Assault Sergeant will assist in any way deemed appropriate.
- 3.8 The Investigation shall then proceed according to internal Major Crimes procedures.

Approved by:

Robert W. McNeilly, Jr.
Chief of Police

EXECUTIVE SUMMARY

Virginia Beach, Virginia - Requirements Related to Sexual Offenses

Introduction

Code of Virginia §9.1-900- 9.1-909 (the “Statutory Requirements”) are the source of authority that provide the requirements for the Virginia State Police (“VSP”) and Virginia Beach Police Department (“VBPD”) in relation to the Sex Offender and Crimes Against Minors Registry (the “Registry”). The VBPD must also follow the Sex Offense Investigation Field Guide (the “Field Guide”) when investigating sexually related offenses.

State Law Requirements

The VBPD must abide by the guidelines of the Statutory Requirements if it is designated the “Local Law-Enforcement Agency” under the Registry. The VBPD is the designated Local Law-Enforcement Agency when an offender resides within its jurisdiction. The Registry imposes requirements on the VSP, the Local Law-Enforcement Agency, the Department of Corrections, and the Community Supervision to obtain information about the sex offender at various stages. Every offender is required to register in a state civil commitment program for sexually violent predators within three days of release or probation. The Registry provides that the VSP and Local Law-Enforcement Agency must obtain all registration information and identification required by the Registry. Any person convicted of a sexual offense, criminal homicide, or murder must register as an offender.

The Local Law-Enforcement Agency must forward all changes (e.g., address, place of employment, name, etc.) of the offender to the VSP. The VSP then notify the chief law-enforcement officer of the locality listed of the offender’s change of address. Offenders are required by state law to notify the Local Law-Enforcement Agency of any change within three days of the change. If there is a change in the offender’s email address, or instant messaging or internet communication name, the offender must reregister within 30 minutes of the change.

Each offender must reregister with the VSP. The frequency of reregistration varies from every 30 days to every year, depending on the severity of the offense committed. Photographs are taken every two years of the offender during reregistration. The duty to register is for life in the instance of extremely dangerous offenses and 15 or 25 years for lesser offenses.

New residents and non-residents who are required to register as an offender in their city/state of residence must also register in Virginia within three days of entering the state. If an offender is enrolled or employed at an institution of higher learning, the Local Law-Enforcement Agency must notify the law enforcement agency serving that institution of the offender’s enrollment or employment. Any changes in the offender’s status must also be shared with the institution’s law enforcement agency. If an offender fails to register/reregister, the VSP must investigate promptly. An offender may petition for the removal from the Registry in certain instances. A hearing will be held to examine the history of the offender and evaluate the petition

VORYS

Vorys, Sater, Seymour and Pease LLP

for relief from reregistration. If the petition is granted, the frequency in which the offender must reregister will be decreased.

Local Requirements

The Field Guide addresses the policies and procedure of the VBPD and the responsibilities of the Special Victims Unit (“SVU”) and detectives when a sexual assault has occurred. The Field Guide outlines the procedures the VBPD should follow in regards to: (1) Public Relations and Questioning the Victim of the Sexual Assault; (2) Gathering Evidence; (3) Notification to the SVU; (4) Duties of the SVU Detective Following Notification of Sexual Assault; (5) Custody and Handling of the Physical Evidence Recovery Kit (“PERK”); (6) Protocol for the Victim’s Identification of the Attacker; (7) Encouraging the Victim; (8) Implying Untruthfulness of the Victim; and (9) Training of SVU Department Personnel.

Comparison of Requirements for Virginia Beach Police Department and Requirements for Cleveland Division of Police

There are several significant differences in the Statutory Requirements of Virginia and Ohio. The Statutory Requirements of Virginia require not only sex offenders to register, but also those who have been convicted of criminal homicide and murder. This is not required in Ohio. Also sexually violent offenders in Virginia are required to register in a state civil commitment program for sexually violent predators in addition to registering with the VSP. Sex offenders in Virginia are able to request relief from reregistration in certain instances. This opportunity is not available in Ohio.

The Cleveland Division of Police General Police Order (“CPDGPO”) and the Field Guide follow similar procedures for the collection and preservation of evidence. The Field Guide is geared more towards the comfort of the victim and enabling the officer to maintain a trustworthy and comforting relationship with the victim. The CPDGPO on the other hand is more focused on gathering evidence and investigating the sexual offense. It details the procedures to be followed when photographing the victim and collecting the Physical Evidence Recovery Kit in a way which maintains the chain of custody. The investigative procedures of the Cleveland Division of Police (“CPD”) vary from those followed by the VBPD. The Field Guide requires the SVU be notified as soon as sufficient information that indicates a rape or other sexually related offense is obtained. The Field Guide also requires the VBPD SVU detective to arrange to have the victim transported to a medical facility. The CPDGPO only notifies the Sex Crimes Unit (“SCU”) during the hours of 8pm and 8am if the sexual offense committed is against a child or extremely brutal. If these conditions do not exist, the SCU is notified of the sexual assault during the hours of 8am and 8pm. The CPD also transports the victim of the sexual assault to the hospital in an ambulance.

SUMMARY

Virginia Beach, Virginia - Requirements Related to Sexual Offenses

Background Information on Virginia Beach, VA and the Virginia Beach Police Department

Virginia Beach, VA is home to 434,163 persons. U.S. Census Bureau estimate from July 1, 2008. The Virginia Beach Police Department (“VBPD”) employs 812 police officers. Virginia Beach Police Department 2008 Annual Report. During 2008 there were 312 sex offense reports filed by the police department. Id. In 2007, there were 322 sex offense reports filed. Virginia Beach Police Department 2007 Annual Report. The amount of sex offense reports for the 2009 year is currently unpublished.

Sources of Authority Regarding Virginia Beach Police Department Requirements Related to Sexual Offenses

The Code of Virginia (the “Statutory Requirements”) is the source of authority that establishes the requirements of law enforcement agencies and sex offenders in relation to the Sex Offender and Crimes Against Minors Registry (the “Registry”). The VBPD must also follow the Sex Offense Investigations Field Guide (the “Field Guide”) when investigating sexually related offenses. The Field Guide provides reporting officers and investigators with procedures that are helpful for their preliminary investigations and relating sympathetically with the victim. All sources referenced in this Summary are attached.

Code of Virginia

Sex Offender and Crimes Against Minors Registry

The Statutory Requirements provide a system of sex offender registration that requires those who have been found guilty of sex offenses to register so that they may be tracked by law enforcement agencies. This system enables state officials and communities to protect individuals from repeat sex offenders and to protect children from becoming victims of criminal offenders. The Registry can be accessed at <http://sex-offender.vsp.virginia.gov/sor/>.

I. Who Qualifies as a Sex-Offender

The Statutory Requirements mandate every person who has been convicted on or after July 1, 1994 for the offenses listed in § 9.1-902 to register with the Registry. Offenders who have not been convicted but are:

- serving a sentence of confinement on or after July 1, 1994;
- found not guilty by reason of insanity on or after July 1, 2007; or

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

- in the custody of the Commissioner of Behavioral Health and Developmental Services, or on conditional release on or after July 1, 2007, due to a finding of not guilty by reason of insanity for the offenses listed in § 9.1-902

must also register with the Registry. Juveniles tried as adults for the offenses listed must also register. The following offenses listed in Code of Virginia § 9.1-902 require registration:

- Criminal homicide;
- Murder;
- A sexually violent offense;
 - Abduction with intent to extort money or for immoral purpose (§ 18.2-48)
 - Rape (§ 18.2-61)
 - Forcible sodomy (§ 18.2-67.1)
 - Object sexual penetration; penalty (§ 18.2-67.2)
 - Aggravated sexual battery; penalty (§ 18.2-67.3)
 - Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery (§ 18.2-67.5)
- Any offense similar to those listed above that are under the laws of any foreign country;
- Any offense that registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.
- Entering dwelling house, etc., with intent to commit murder, rape, robbery or arson; (§ 18.2-90)
- Sexual battery; (§ 18.2-67.4)
- Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery; (§ 18.2-67.5)
- Unlawful filming, videotaping or photographing of another; (§ 18.2-386.1)
- Entering dwelling house, etc., with intent to commit larceny, assault and battery or other felony; (§ 18.2-91)
- Punishment upon conviction of third misdemeanor offense; (§ 18.2-67.5:1)
- Where the victim is physically helpless or mentally incapacitated;
 - Abduction and kidnapping; (§ 18.2-47)
 - Abduction with intent to extort money or for immoral purpose (§ 18.2-48)
 - Sexual battery (§ 18.2-67.4)
 - Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery (§ 18.2-67.5)
 - Crimes against nature; (§ 18.2-361)

- Adultery and fornication by persons forbidden to marry; incest (§ 18.2-366)

(Code of Virginia § 9.1-902)

II. Registration

Once an offender is convicted, the offender is required to register with the Virginia State Police (“VSP”). The offender must provide the Local Law-Enforcement Agency, the agency within the jurisdiction where the sex offender physically resides, all information required by the VSP for inclusion in the Registry. Following conviction, the court immediately remands the person to the custody of the Local Law-Enforcement Agency for the purpose of obtaining the sex offender's fingerprints and photographs of a type and kind specified by the VSP for inclusion in the Registry. Once the offender is convicted, the Local Law-Enforcement Agency must forward all the necessary registration information to the VSP.

A. *Subsequent Registration Following Release*

1. Information Required Upon Registration in a Commitment Program

Every offender required to register must appear in person and register within three days of his release from confinement or, if a sentence was not imposed, within three days of suspension of the sentence in a state civil commitment program for sexually violent predators. A person required to register in a program must register, and

- submit to be photographed;
- submit to have a sample of his blood, saliva, or tissue taken for DNA analysis and submission to the DNA databank;
- provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use;
- submit to have his fingerprints and palm prints taken;
- provide information regarding his place of employment;
- provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned.

(Code of Virginia § 9.1-903 B)

2. Registration Information Required By Local Law-Enforcement Agency

The Local Law-Enforcement Agency must obtain:

- one set of fingerprints;
- electronic mail address information;

- any instant message, chat or other internet communication; name or identity information that the person uses or intends to use;
- one set of palm prints;
- place of employment information;
- motor vehicle, watercraft and aircraft registration information for all motor vehicles;
- watercraft and aircraft owned by the registrant;
- a sample of his blood, saliva or tissue taken for DNA analysis;
- proof of residency; and
- a photograph of a type and kind specified by the VSP for inclusion in the Registry.

The Local Law-Enforcement Agency must also advise the person of his duties regarding reregistration. The agency then forwards the necessary registration information to the VSP.

B. Notice of Change

Upon the following changes, any person who is required to register is required to reregister in person with the Local Law-Enforcement Agency where his residence is located within three days after the change:

- of name;
- of residence;
- of place of employment;
- of owned motor vehicle, watercraft, and aircraft registration information; and
- of enrollment or employment status with an institution of higher learning.

Offenders are required to reregister within 30 minutes following the change of electronic email address information, instant messaging, chat or other internet communication name or identity.

(Code of Virginia § 9.1-903 D-G)

The Local Law-Enforcement Agency must then forward the change of information to the VSP. The VSP then notify the chief law-enforcement officer of the locality listed as the person's address on the registration or reregistration.

C. Reregistration

Reregistration requires the registrant to periodically notify the VSP, to confirm the sex offender's current physical and mailing address and electronic mail address information, and any

other identifying information which the VSP may require. The VSP then provide the person with an address verification form to be used for reregistration. This form must contain in bold print a statement which indicates that failure to comply with the required registration is punishable.

Every offender must submit to be photographed by a Local Law-Enforcement Agency every two years commencing with the date of initial registration. Photographs must be in color and clearly show the registrant's face and shoulders only. The Local Law-Enforcement Agency must then forward the photograph and the registration form to the VSP.

D. Frequency of Reregistration

All offenders are required by state law to reregister with the VSP. The frequency of registration varies according to the offense. The frequency of reregistration necessary for an offender is detailed below:

If required to register, but the person was not convicted of a sexually violent offense or murder	Must reregister with the VSP annually
If convicted of a sexually violent offense or murder	Must reregister with the VSP every 90 days from the date of initial registration
If convicted of §18.2-472.1 "Providing False Information or Failing to Provide Registration Information", but the person was not convicted of a sexually violent offense or murder	Must reregister with the VSP every 180 days from the date of the §18.2-472.1 conviction
If convicted of §18.2-472.1 "Providing False Information or Failing to Provide Registration Information", and the person was included on the registry for a conviction of a sexually violent offense or murder	Must reregister with the VSP every 30 days from the date of the §18.2-472.1 conviction

(Code of Virginia § 9.1-904 A-C)

E. New Residents and Nonresident Offenders Required Registration

Nonresident offenders entering Virginia for an extended visit, employment, to carry on a vocation, or as a student attending school that have been required to register in their state of residence or who would be required to register if they were a resident of Virginia, must register within three days of entering Virginia. The offender must be required to register and reregister in person with the Local Law-Enforcement Agency.

The person must present proof of enrollment as a student or suitable proof of temporary employment in Virginia and one photo-identification form issued by a governmental agency of the person's state of residence. This I.D. must contain their complete name, gender, date of birth and address.

(Code of Virginia § 9.1-905 A-C)

F. Information Required for Offenders Enrolled or Employed at Institutions of Higher Learning

Persons required to register or reregister who are enrolled in or employed at institutions of higher learning must, in addition to other registration requirements, indicate on their registration and reregistration form the name and location of the institution they attend and whether the institution is in or outside Virginia.

In addition, persons required to register or reregister must notify the Local Law-Enforcement Agency in person within three days of any change in their enrollment or employment status with the institution. The Local Law-Enforcement Agency must then forward all necessary registration or reregistration information received by it to the VSP.

After receipt of this information, the VSP must notify the chief law-enforcement officer of the institution's law-enforcement agency or, if there is no institutional law-enforcement agency, the Local Law-Enforcement Agency serving that institution, of the registration, reregistration, or change in status of the offender. The law-enforcement agency receiving notification under this section can make this information available upon request.

(Code of Virginia § 9.1-906)

G. Procedures When an Offender Fails to Register or Reregister

Whenever it appears from the records of the VSP that a person has failed to comply with the duty to register or reregister, the VSP must:

- Promptly investigate;
- Obtain an arrest warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 “Providing False Information or Failing to Provide Registration Information” in the jurisdiction that the person last registered or reregistered;
- Forward an affidavit signed by the custodian of the records that the person failed to register or reregister;
- Promptly notify the Local Law-Enforcement Agency within the jurisdiction of the offender’s last known residence.

III. Verification of Registration or Reregistration

A. Frequency of Verification

1. VSP

The VSP must physically verify or cause to be physically verified the registration information within 30 days of the initial registration and semiannually each year thereafter. The VSP must also verify within 30 days of a change of address those persons who are not under the

control of the Department of Corrections or Community Supervision. The Statutory Requirements are silent as to whether the VSP must visit the residence of the offender or use some other means of verifying the registration information.

2. Department of Corrections or Community Supervision

The Department of Corrections or Community Supervision are also required to physically verify the registration information within 30 days of the original registration and semiannually each year thereafter and within 30 days of a change of address of all persons who are under their supervision who are required to register.

B. Procedure for Verification

1. VSP

Whenever it appears that a person has provided false registration information, the VSP shall promptly investigate and, if there is probable cause to believe that a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation.

2. Department of Corrections or Community Supervision

The Department of Corrections or Community Supervision must, upon request, provide the VSP the verification information, in an electronic format approved by the VSP, regarding persons under their control. Whenever it appears that a person has provided false registration information, the Department of Corrections or Community Supervision must promptly notify the VSP, who will investigate. If there is probable cause to believe that a violation has occurred, VSP will obtain a warrant or assist in obtaining an indictment charging a violation.

(Code of Virginia § 9.1-907)

IV. Petition For Removal of Name From Registry and Continuing Duty of Reregistration

A. Time Frame Required for a Petition

An offender may petition the circuit court where he was convicted or the circuit court in the jurisdiction where he then resides for removal of his name and all identifying information from the Registry not earlier than 15 years. This only applies if the person was not convicted of:

- a sexually violent offense;
- two or more offenses for which registration is required;
- a violation of former § 18.2-67.2:1; or
- murder.

If an offender is convicted of the above offenses, the person has a continuing duty to reregister for life.

If an offender is convicted of a child related offense the person may petition for removal of his name and identifying information following the commencement of his registration not earlier than 25 years.

B. Procedure for Petition

A petition may not be filed until all court ordered treatment, counseling, and restitution have been completed. The court must obtain a copy of the petitioner's complete criminal history and registration and reregistration history from the Registry and then hold a hearing on the petition at which the applicant and any interested persons may present witnesses and other evidence.

If the court is satisfied that such person no longer poses a risk to public safety, the court will grant the petition. If the petition is not granted, the person must wait at least 24 months from the date of the denial to file a new petition for removal from the Registry. The VSP will then remove from the Registry the name of the person and all identifying information after receipt of an order granting a petition.

Code of Virginia § 9.1-908; § 9.1-910

V. Petition for Relief from Reregistration

A. When Relief is Allowed

Sexually violent offenders or murderers may petition the court for relief from the requirement to reregister every 90 days. This is allowed after the expiration of three years from the date which the duty to register was imposed.

A sexually violent offender or murderer who has violated § 18.2-472.1 may petition the court for relief from the requirement to register every 180 days after five years from the date of his last conviction for a violation of § 18.2-472.1.

B. Procedure for Relief and Registration Required if Relief Granted

The court will hold a hearing on the petition and determine whether the person suffers from any mental issues or personality disorders that will make the person a menace to the health and safety of others. Specifically, if his ability to control his sexual behavior is impaired. The court must order a comprehensive assessment of the person prior to the hearing.

If the person passes the assessment and the court grants the petition, the duty to register more frequently than once a year is terminated and the person will be under a continuing duty to register annually for life. If denied, the duty to register will be the same and the offender may not file another petition for three years from the date which it was denied.

Code of Virginia § 9.1-909

City of Virginia Beach Police Department

Sex Offense Investigations Field Guide

The Field Guide establishes guidelines to assist personnel in the preliminary and follow-up investigation of sexually related offenses. The Field Guide provides the following:

- **Policy:**
 - To treat all sexual assault victims in a supportive, non-threatening manner and to assist them as much as possible by presenting them with available options.
 - To leave the choice up to the victim to determine their level of cooperation with law enforcement.
 - Regardless of who initiated the call for the assistance, the department will not demand information or cooperation from a sexual assault victim.
- **Procedures:**
 - Public Relations: After securing the scene and ensuring the safety of the victim, one officer should attempt the questioning of a sexual assault victim. The victim should be questioned in private. No one other than the victim and the officer should be present unless the victim requests otherwise.
 - Officer should then explain the options available to victim and determine the victim's level of cooperation.
 - If the victim desires to speak with law enforcement, all initial questions will be limited to obtaining information that is necessary for completing the offense report and a be on the lookout bulletin ("BOL") for the suspect.
 - The victim of sexual assault is not required to cooperate with law enforcement and may not want to speak with an officer in order to receive medical attention or a Physical Evidence Recovery Kit ("PERK") examination. If this occurs, the officer must provide the victim with victim advocacy contact information.
- **RESPONSE** Sexual Assault Support Services of the YMCA is the organization that provides services to sexual assault victims regardless of their level of cooperation with law enforcement.
 - Gathering Evidence: The officer should make every attempt to preserve evidence. This includes searching the scene for:
 - Fingerprints;
 - Soil Samples;
 - Hair, Pubic Hair;
 - Body Fluids;

- Fibers or samples which may have contaminated bed linens, rugs, car seats, or the victim's clothing;
- Officer should suggest the victim refrain from changing clothes or utilizing the restroom, but at the same time consider the victim's emotional demeanor.
 - Notification to the Special Victims Unit ("SVU"): The SVU should be notified as soon as sufficient information is obtained that indicates a rape or any other sexually related crime has occurred. The SVU Detective will assume responsibility for the follow-up investigation. These duties include:
 - Crime scene management and processing;
 - Victim interviews and related evidence collection;
 - Suspect handling, interviews and related evidence collection;
 - Witness interview;
 - Neighborhood canvassing; and
 - Case preparation for the Commonwealth Attorney's Office.
 - Duties of the SVU Detective Following Notification of Sexual Assault: The SVU Detective arranges to have the victim transported to a hospital or medical facility that has a Sexual Assault Nurse Examiner program ("S.A.N.E.") as soon as possible if the need for a PERK is anticipated. Additionally, the Detective must explain:
 - The reason for the examination is to recover evidence that may identify the attacker through DNA and assist with the offender's prosecution;
 - The state will only assume financial responsibility for the PERK and most related emergency medical care resulting from the assault as outlined in Code of Virginia§ 19.2-165.1; 3. Any other medical treatment will be the responsibility of the victim.
 - Custody and Handling of the PERK: The SVU Detective will arrange for:
 - Maintaining and processing of PERKS obtained through full cooperation of the victim. This evidence will be held indefinitely.
 - Maintaining and processing of PERKS obtained through partial cooperation of the victim (Blind Reporting). This evidence will be held for a period of 12 months. The voucher number associated with the PERK will be provided to RESPONSE: Sexual Assault Support Services of the YWCA or to a SANE nurse so they can provide the voucher number to the victim.
- If the victim later decides to cooperate with law enforcement and contacts a SVU detective within the 12 month period, the SVU Detective will complete all requirements and ensure that the PERK is maintained, processed, and held as evidence.

- Protocol for Victim's Identification of Attacker: If it becomes necessary for the sexual assault victim to visit police premises for viewing mug shots, marking composites, interview, etc., the victim will not be interviewed in the bay area (squad room) or exposed to a group unless absolutely necessary.
 - The investigator should always be mindful of the mental and physical trauma the victim has experienced. Every effort should be made to ensure that the victim does not feel as if he or she is the object of speculation or the subject of whispered conversation.
- Encouraging the Victim: The sexual assault victim should be encouraged rather than discouraged to participate in the prosecution of the offender, but if he or she adamantly refuse to prosecute, the victim should not be badgered or coerced into doing so.
- Implying Untruthfulness of the Victim: No investigator should consider untruthfulness of the victim or even imply suspicion of untruthfulness without supporting facts.
 - This includes the investigator making statements that indicate that he does not believe the victim's account unless the facts gathered support the investigator's suspicions.
 - The Statutory Requirements state that no law-enforcement officer shall ask or require a sexual assault victim to submit to a polygraph examination or other truth telling device as a condition for proceeding with an investigation.
- Training: The SVU will provide training to department personnel on matters related to sexual assault investigations.

Comparison Between Virginia Beach, Virginia and Cleveland, Ohio

Overall the VBPD and Cleveland Division of Police ("CPD") are subject to similar requirements. The exceptions are outlined below.

I. Differences in the Sex Offender Registry Laws

Unlike Ohio, the Statutory Requirements of Virginia do not follow the three tiered approach to classifying sex offenders. The Statutory Requirements of Virginia also include the violent crimes of criminal homicide and murder in its Registry. Offenders are also required to register in a state civil commitment program for sexually violent predators in addition to registering with VSP and the Local Law-Enforcement Agency in the county or city where the offender resides. Note also that Virginia (unlike Ohio) does not yet comply with the sex offender registration and notification standards required by the Adam Walsh Act; however, the

deadline for substantial compliance has been changed to July 27, 2010, pursuant to a blanket extension granted under the direction of Attorney General Eric Holder.

In Ohio, sex offenders must register with and report changes to the sheriff of the county the offender is currently registered. Statutory Requirements of Virginia require an offender to register with VSP and the Local Law-Enforcement Agency initially. Any changes must be reported to the Local Law-Enforcement Agency who will then forward the new information to the VSP. The VSP verify the information submitted by the Local Law-Enforcement Agency. Statutory Requirements of Virginia require an offender to reregister within 30 minutes following the change of any electronic email address information or other internet communication information. This is not required in Ohio.

The Statutory Requirements of Virginia provide sex offenders with the opportunity to request relief from registration. This is not available in Ohio. The relief provided decreases the amount of times a year a sex offender must reregister with the Local Law-Enforcement Agency. Relief is granted if the offender has met the time requirement necessary and the found not to be a threat to the community through a public hearing.

II. Differences in the Sex Crime Units' Structure and Equipment

A uniform officer of the CPD notifies the supervisor of Sex Crimes Unit ("SCU") between 8am and 8pm of sex crimes that have been committed during that time frame. This notification is transmitted by telephone to the supervisor of the SCU. If the crime occurs between the hours of 8pm and 8am, the SCU member on call will be notified only if the sexual assault is committed against a child or if the conditions of the assault are extremely brutal. A fax notification is transmitted to the SCU. In Virginia Beach, the Special Victims Unit ("SVU") is notified as soon as sufficient information is obtained that indicates a rape or that any other sexually related crime has occurred. The SVU detective assumes responsibility from that point of notification and through the investigation.

In Cleveland, an Emergency Medical Squad and an officer of the CPD are dispatched to the scene of a sexual assault. An officer will file a report and the victim is transported to the hospital by ambulance. In Virginia Beach, the SVU Detective arranges to have the victim transported to a hospital or medical facility that has a SANE program. It is not specified whether this transportation is by ambulance or squad car.

III. Differences in Investigative Procedures

A. *Interaction With Sexual Assault Victim*

The VBPD's Field Guide extensively addresses ways to interact with a victim of sexual assault. The policy of the VBPD is to treat all sexual assault victims in a supportive, non-threatening manner in order to facilitate cooperation and assistance from the victim. The Cleveland Division of Police GPO ("CPDGPO") does not provide instruction on how detectives or officers should relate to victims or the manner in which the victim should be questioned. The

Field Guide gives instructions on how to provide the victim with privacy when questioning takes place and also suggests using only one police officer for questioning the victim. The Field Guide also states officers should not imply suspicion of untruthfulness of a victim or ask the victim to submit to a polygraph examination.

B. Collecting and Preserving Evidence

The CPDGPO provides detailed instructions for the gathering and preserving of evidence found at the scene of the crime or located on the victim. The Field Guide also gives general instructions for evidence gathering and preservation but details the process in which PERK kits should be maintained for evidence. The amount of time in which a PERK kit is kept by the police department depends on the level of cooperation the victim offers. If the victim does not wish to be identified and the PERK kit is given an anonymous number, the evidence will only be held for a 12 month period. The CPDGPO does not specify the amount of time PERK kits are to be held as evidence. The CPDGPO does however establish specific instructions for maintaining the chain of custody for the PERK kit in order to make the kit admissible as evidence.

City of Virginia Beach Police Department

Sex Offense Investigations Field Guide



A Guide for Department Personnel

- Guidelines for handling preliminary & follow-up investigations of sexually related offenses

*This Field Guide is Prepared and Updated by the Virginia Beach
Police Department Detective Bureau Special Victims Unit,
Under the Approval of the Chief of Police*

Table of Contents

Purpose 3

Policy 3

Procedures..... 3

Purpose

Establish guidelines to assist personnel in the preliminary and follow-up investigation of sexually related offenses.

Policy

The department recognizes the fact that sexually related offenses are personally violent crimes that have great physical and psychological effects on the victim. A great deal of concern has been expressed regarding police response to the report of rape and other sexually related offenses, consequently the Violence Against Women Act (VAWA) was enacted to address these concerns. It shall be the policy of this department to treat all sexual assault victims in a supportive, non-threatening manner and to assist them as much as possible by presenting them with available options. Regardless of who initiated the call for assistance, this department will not demand information or cooperation from a sexual assault victim; it shall be the choice of the victim to determine their level of cooperation with law enforcement.

Victims of sexual assault have the following options:

- **Full cooperation with law enforcement**
 - The victim can report the offense to law enforcement (IBR requirement)
 - The victim can submit to a PERK examination without cost to the victim
 - The victim can assist in the investigation and prosecution
- **Partial cooperation with law enforcement (Blind Reporting)**
 - The victim does not want to report the offense to law enforcement (no IBR requirement)
 - The victim can submit to a PERK examination without cost to the victim in the event he/she desires to cooperate with law enforcement in the future
 - The victim does not want to immediately assist in the investigation or prosecution
- **No cooperation with law enforcement**
 - The victim will not report the offense to law enforcement (no IBR requirement)
 - The victim will not submit to a PERK examination
 - The victim will not assist in the investigation or prosecution

Procedures

All police personnel who receive information indicating that a sexually related offense has been committed will follow the procedures set forth.

1. After securing the scene and ensuring the safety of the victim, one officer should attempt the questioning of a sexual assault victim. The victim should be questioned in private. No one other than the victim and the officer shall be present unless the victim requests otherwise.
 - a. The officer will explain the options available to the victim and determine their level of cooperation as previously outlined in this field guide.
 - b. Should a victim desire to speak with law enforcement, all initial questioning will be limited to obtaining information that is necessary for completing the offense report and a general BOL for the suspect.
 - c. A sexual assault victim is not required to cooperate with law enforcement and may not want to speak with an officer in order to receive medical attention or a PERK examination. In this event, the officer shall provide the victim with victim advocacy contact information.

- d. RESPONSE Sexual Assault Support Services of the YWCA is the premier victim advocacy organization in the Tidewater area and their services will be made available to sexual assault victims regardless of their level of cooperation with law enforcement.

RESPONSE Sexual Assault Support Services of the YWCA
5215 Colley Avenue
Norfolk, VA 23508
(757) 622-4300

- 2. The officer should make every attempt to preserve evidence. In addition to the preservation of the scene for fingerprints, soil samples, etc., the officer must be attentive to preserve hair, pubic hair, body fluids, or fiber samples which may have contaminated bed linens, rugs, car seats, or the victim's clothing. Additionally, it is suggested that the victim refrain from changing clothes or utilizing the rest room. However, the victim's emotional demeanor shall be considered. Care on the part of the officer to preserve evidence will greatly assist further investigation into the incident.
- 3. The Special Victims Unit should be notified as soon as sufficient information is obtained that indicates a rape or any other sexually related crime has occurred. The SVU Detective will assume responsibility for the follow-up investigation
 - a. Crime scene management and processing
 - b. Victim interviews and related evidence collection
 - c. Suspect handling, interviews and related evidence collection
 - d. Witness interviews
 - e. Neighborhood canvasses
 - f. Case preparation for the Commonwealth Attorney's Office
- 4. The SVU Detective shall arrange to have the victim transported to a hospital or medical facility that has a Sexual Assault Nurse Examiner program (S.A.N.E.) as soon as possible if the need for a PERK is anticipated.
 - a. The victim must be advised prior to any examination that the reason for the examination is to recover evidence that may identify the attacker through DNA and assist with the prosecution.
 - b. It should be explained that the state would only assume financial responsibility for the PERK and most related emergency medical care resulting from the assault as outlined in Virginia State Code 19.2-165.1; 3. Any other medical treatment will be the responsibility of the victim.
 - c. Custody and handling of the PERK will be arranged by an SVU Detective
 - i. PERKs obtained through full cooperation of the victim will be maintained, processed and held as evidence indefinitely
 - ii. PERKs obtained through partial cooperation of the victim (Blind Reporting) will be maintained as property of the victim for a period of 12 months. The voucher number associated with the PERK will be provided to RESPONSE or the SANE nurse so they can provide the voucher number to the victim.
 - iii. Should the victim later decide to cooperate with law enforcement and contact an SVU Detective within that 12 month period, the SVU Detective will complete all reporting requirements and ensure that the PERK is maintained, processed, and held as evidence

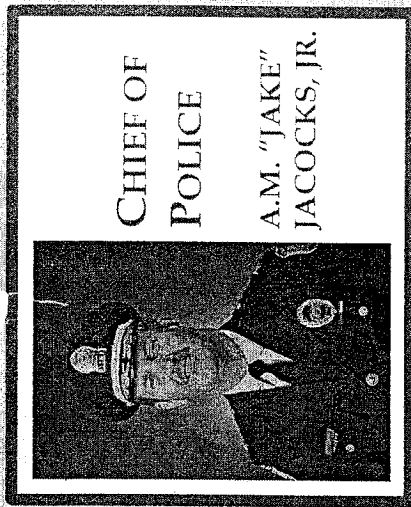
5. If it becomes necessary for the sexual assault victim to visit police premises for viewing mug shots, making composites, interviews, etc., they will not be interviewed in a bay area (squad room) or exposed to a group unless absolutely necessary.
 - a. The investigator should always be mindful of the mental and physical trauma the victim has experienced. Every effort should be made to ensure that the victim does not feel as if they are the object of speculation or the subject of whispered conversation.
6. The sexual assault victim should be encouraged rather than discouraged to participate in the prosecution of the offender, but if they adamantly refuse to prosecute, they shall not be badgered or coerced into doing so.
7. No investigator shall consider untruthfulness of the victim or even imply suspicion of untruthfulness without supporting facts.
 - a. No investigator shall make statements that indicate that he or she does not believe the victim's account unless the facts gathered support the investigator's suspicions.
 - b. 19.2-9.1 of the Code of Virginia provides that no law-enforcement officer shall ask or require a sexual assault victim to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

The Special Victims Unit will provide training to department personnel on matters related to sexual assault investigations. This training will be coordinated through PD&T and conducted in accordance with DCJS standards.

VIRGINIA BEACH POLICE DEPARTMENT 2007 ANNUAL REPORT

ORGANIZATIONAL CHART

AS OF 12/31/2007



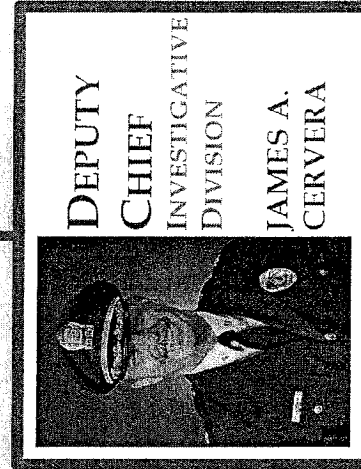
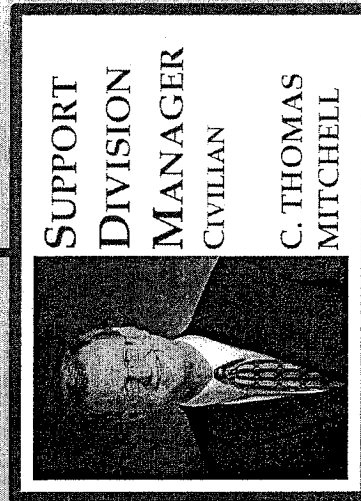
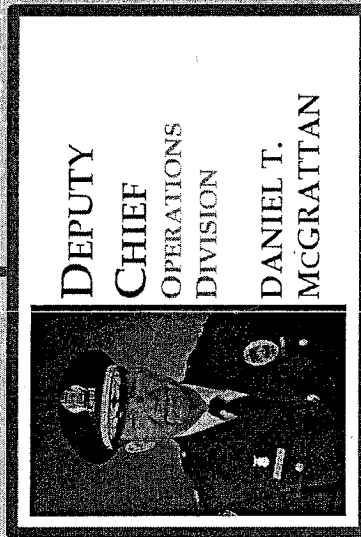
Executive
Assistant

Executive Aide
Lieutenant

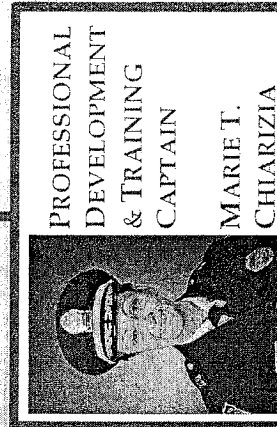
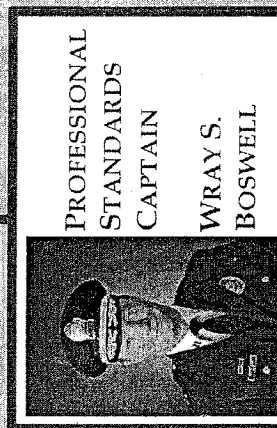
Police
Chaplains

Liaison to Police
Chaplains

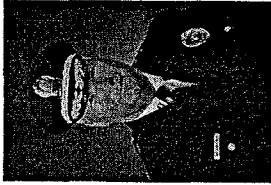
Public Information
Office



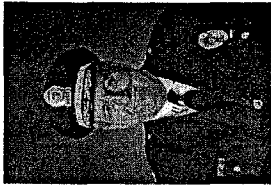
Aide
Sergeant



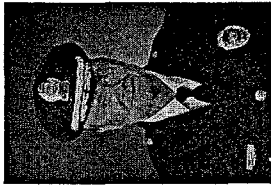
Community
Service



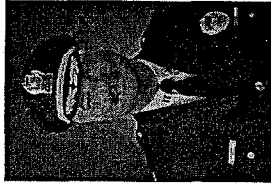
FIRST
PRECINCT
CAPTAIN
KENNETH M.
LOWE, JR.



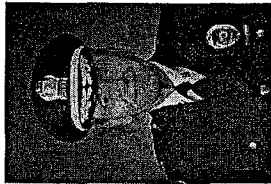
THIRD
PRECINCT
CAPTAIN
STEVEN C.
SMITH



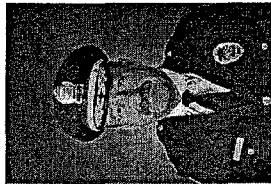
COMMAND
DUTY
CAPTAIN
FRANK
GENOVA JR.



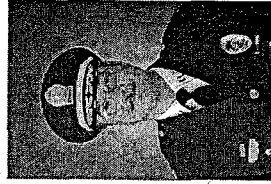
SECOND
PRECINCT
CAPTAIN
TONY F.
ZUCARO



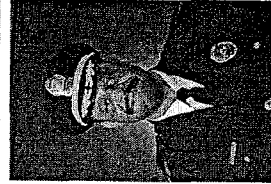
FOURTH
PRECINCT
CAPTAIN
RAY W.
GREENWOOD
JR.



SPECIAL
OPERATIONS
CAPTAIN
RAY V.
EISENBERG



SPECIAL
INVESTI-
GATIONS
CAPTAIN
DENNIS M.
SANTOS,
SR.



DETECTIVE
BUREAU
CAPTAIN
JOHN
BELL, JR.

Financial
Support
Civilian

Planning
& Analysis
Civilian

Systems
Support
Civilian

Payroll
Civilian

Support Division
Lieutenant

Logistical
Support
Sergeant

Crime
Reporting Unit
Sergeant

Records
Civilian

Intelligence

Interdiction

Narcotics

Vice

Auto
Theft

Forensics

Pawn
Unit

Robbery

Crime
Analysis

Homicide

Property
Crimes

Warrants

Special
Victims

Economic Crime
Crime Solvers

Special Commission on
Missing Persons and
Sex Crime Investigations

Appendix K-Q



VORYS

March 30, 2010

Model Policy

<i>Effective Date</i> September, 1994		<i>Number</i>
<i>Subject</i> Missing Persons		
<i>Reference</i>		<i>Special Instructions</i>
<i>Distribution</i>	<i>Reevaluation Date</i>	<i>No. Pages</i> 3

I. PURPOSE

The purpose of this policy is to establish responsibilities and guidelines for the investigation of missing persons.

II. POLICY

Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The roles of the complaint taker and initial responding officer are critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this agency that (1) all reports of missing persons be given full consideration and attention by members of this agency to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physically impaired or others who are insufficiently prepared to take care of themselves.

III. PROCEDURES

A. Reporting/Classification of Missing Persons

1. There is no waiting period for reporting a missing person. Missing person reports shall be taken in-person or by telephone in conformance with the criteria of this policy and the criticality of the incident.
2. A person may be declared "missing" when his/her whereabouts is unknown and unex-

plainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.

3. An individual may be considered "missing-critical" who meets the foregoing criteria and who, among other possible circumstances,:
 - a. may be the subject of foul play,
 - b. because of age (young or old), may be unable to properly safeguard or care for himself/herself,
 - c. suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
 - d. is a patient of a mental institution and is considered potentially dangerous to himself or others;
 - e. has demonstrated the potential for suicide; or
 - f. may have been involved in a boating, swimming or other sporting accident or natural disaster.
4. Reports of juveniles who have voluntarily left home (i.e., "runaways") should be classified as such only after thorough investigation.
5. Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of police response.

B. Initial Report Taking

1. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:
 - a. Name, age and physical description of the subject and relationship of the reporting

- party to the missing person.
 - b. Time and place of last known location and the identity of anyone accompanying the subject.
 - c. The extent of any search for the subject.
 - d. Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
 - e. Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness.
 - f. The current physical condition of the subject and whether the person is currently on prescription medication.
2. If the missing person is a child, inquiry should also determine if the child
 - a. is or may be with any adult who could cause him/her harm;
 - b. may have been the subject of a parental abduction;
 - c. has previously run away from home, has threatened to do so or has a history of explainable or unexplainable absences for extended periods of time.
 3. A supervisory officer shall be notified immediately upon classification of a report as "missing-critical."
- C. Preliminary Investigation
- The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:
1. Complete description of the subject and a recent photograph.
 2. Details of any physical or emotional problems identified in items B-1-e and f of this policy.
 3. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.
 4. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
 5. Indications of missing personal belongings, particularly money and other valuables.
 6. Any suggestions of foul play or accident.
 7. In the case of missing children, officers shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction, as well as
 - a. the presence of behavioral problems;
 - b. past instances of running away;
 - c. signs of an abusive home environment or dysfunctional family situation;
 - d. whether the child is believed to be with adults who may pose a danger; and
 - e. the name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
 8. When possible, officers should gain permission to search a missing child's home and school locker, as appropriate.
 9. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in state and national information databases in accordance with established procedures (e.g.: NCIC and The National Center for Missing and Exploited Children).
 10. In the case of persons designated as "missing-critical," a supervisory officer may direct that
 - a. the dispatcher broadcast to all persons on duty all information necessary to identify the missing person, and
 - b. request that the shift commander authorize mobilization of resources necessary for an area search.
- D. Ongoing Investigation
- Ongoing investigations of missing persons should include but should not be limited to the following actions and activities:
1. Request release of dental records and any fingerprints available.
 2. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.
 3. Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area.
 4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or, in the case of juveniles, parental kidnapping or running away.
 5. Provide identification and related information to all elements of this agency, the state police missing persons' authority, neighboring police agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
 6. Decisions to use local media to help locate missing persons shall be made with the approval of the police chief executive and the missing person's family.

7. The lead investigator shall maintain routine ongoing contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.
- E. Recovery of Missing Persons and Case Closure
1. Competent adults, having left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall
 - a. advise them that they are the subject of a missing person investigation;
 - b. ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and
 - c. make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.
 2. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
 3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
 4. In cases involving juveniles, officers shall ensure that
 - a. the juvenile receives medical attention if necessary in a timely manner;
 - b. initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/ or whether an abusive or negligent home environment was a contributory factor, and
 - c. that parents, guardians and/or the person reporting the missing youth are notified in a timely manner.
 5. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
 6. Where indicated, follow-up action shall include filing of an abuse and neglect report with the state youth service agency.
 7. The case report shall include a complete report on the whereabouts, actions and activities of children while missing.
 8. Where indicated, criminal charges shall be filed with the prosecutor's office.

This project was supported by Grant No. 95-DD-BX-K014 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice or the International Association of Chiefs of Police.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors.

Model Policy

<i>Effective Date</i> May 2005		<i>Number</i>
<i>Subject</i> Investigating Sexual Assaults		
<i>Reference</i>		<i>Special Instructions</i>
<i>Distribution</i>	<i>Reevaluation Date</i>	<i>No. Pages</i> 8

I. PURPOSE

The purpose of this policy is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual assault investigations, this policy is an all-inclusive document that covers first response, investigation, and prosecution.

II. POLICY

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

III. DEFINITIONS

Sexual Assault. As used in this policy refers to felony crimes of sexual violence. Specific statutory definitions of sex crimes vary by state. In most states, crimes of felony sexual assault include one of the following sexual acts:

- Penile-vaginal intercourse
- Contact between the genitals and mouth
- Contact between an anus and a penis
- Penetration of the vagina or anus with a foreign object

Sexual assault generally constitutes a felony when one

of the following conditions exist:

- Force was used or threatened, even if there is no bruise or injury to the victim
- The victim was afraid, even if this did not lead the victim to physically resist
- The victim was disabled and could not legally give consent (that is, the victim could not understand the nature or condition of the act due to illness or disability)
- The victim was severely intoxicated or unconscious as a result of drugs or alcohol and was therefore unable to give informed consent at the time of the sexual act
- The victim was under the age of legal consent at the time of the sexual act

Victim Advocate. This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, victim witness providers within a prosecutor's office, and law enforcement officers, including departmental victim assistants. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the sexual assault response team and communicated to the victim.

IV. PROCEDURES

A. Dispatcher or Call-Taker Response

1. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.

2. When a caller reports a sexual assault, communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
 3. To ensure critical evidence is not lost, communications personnel shall:
 - a. Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so
 - b. Ask the victim to use a clean jar to collect the urine should the victim have to urinate
 - c. Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes
 - d. Preserve the communications tape and printout for the investigation
 - e. Explain to the caller that these questions will not delay an officer's response to the caller's location
- B. Initial Officer Response**
1. Emergency Response

As part of the emergency response, officers shall:

 - a. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed
 - b. Evaluate the scene for people, vehicles, or objects involved as well as possible threats
 - c. Relay all vital information to responding officers and supervisors, including any possible language barriers
 - d. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated
 - e. Request assistance from detectives, field evidence technicians, crime laboratory personnel, and the prosecuting attorney when appropriate
 - f. Begin a search for the suspect when appropriate
 2. Assisting the Victim

As part of the emergency response, officers shall:

 - a. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
 - b. Inform the victim that an officer of the same sex will be provided if desired and available.
 - c. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.
- d. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim's location.
 - e. Request a response from investigations, and clearly explain his or her role and limit the preliminary interview so that the victim is not then asked the same questions by a detective.
 - f. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.
 - g. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.
- 3. Evidence Collection Issues**
- a. Officers shall request assistance or direction from crime scene technicians and forensic scientists.
 - b. Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:
 - (1) Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts)
 - (2) Photographs and videotape of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing
 - When photographing a victim, be sensitive to the location of the injuries on the victim's body
 - Summon an officer of the same sex as the victim
 - Photograph victims using drapes and other techniques that help to maintain the victim's dignity
 - Instruct medical personnel to take photographs of the genitalia when needed
 - (3) Diagram of the crime scene(s)
 - c. When an investigating officer suspects that a sexual assault may have been facilitated with drugs or alcohol, he or she should determine the time of the incident as soon as possible in order to make decisions

regarding the collection of urine and blood samples.

- d. Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well being. Officers shall not coerce victims to go to the hospital or to provide samples for drug screening.
 - e. DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, officers shall:
 - (1) Use sterile gloves and change as needed
 - (2) Use sterile swabs, papers, solutions, and tools
 - (3) Package evidence in individual envelopes
 - (4) Avoid touching the area where potential DNA evidence may exist
 - (5) Avoid talking, sneezing, and coughing over evidence
 - (6) Air dry evidence before packaging
 - (7) Put evidence into new paper bags or envelopes, not plastic
 - f. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled.
 - (1) The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
 - (2) Investigating officers or supervisors shall have access to the evidence refrigerator after regular business hours, on weekends, and on holidays.
 - (3) The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.
4. Stranger vs. Nonstranger Assaults
- Responding officers shall be familiar with common defenses to the charges of sexual assault.
- a. Nonstranger Assault
- The majority of nonstranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:
- (1) Evidence of physical or verbal resistance on the part of the victim
 - (2) Evidence of genital or nongenital injury
 - (3) Detailed account of the victim's thoughts

and feelings during the assault

- (4) Information regarding the suspect's size and strength in comparison to the victim's
 - (5) Information regarding the environment in which the assault took place (such as isolation, soundproofing)
 - (6) Information regarding the victim's behavior after the assault, including posttraumatic stress
- b. Stranger Assault
- Evidence in stranger sexual assaults often center on a question of identification pending the processing of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, line-ups, DNA, and trace evidence.
5. Identify and Locate Witnesses and Suspects
- Based on the victim's emotional and physical state, questions of the victim concerning the assault and description and location of the suspect shall be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.
6. Documentation
- Any officer who interviews a witness or a suspect, identifies evidence, or processes a crime scene shall write his or her own report detailing the actions he or she took. These supplemental reports shall be compiled by the first responding officer for the follow-up investigation regardless of whether an arrest is made.
- C. Preliminary Victim Interview
- Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand and the report indicate that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.
1. Involve a Victim Advocate
- Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault.

2. Victim Interview Protocol

- a. Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing posttraumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.
- b. The victim's response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.
- c. Interviews shall be conducted promptly if the victim is coherent and consensual.
- d. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings.

(1) Investigators shall:

- Remain patient and maintain an open mind while listening to the victim's account
- Remember that victims may struggle with gaps in memory
- Avoid leading questions while conducting the interview
- Use simple terminology appropriate to the victim's age, sophistication, and intelligence
- Avoid using jargon or police, medical, or legal terms

(2) Prior to initiating the interview, the officer shall:

- Interview any witness who might have seen or spoken with the victim before, during, or after the assault
- Accommodate the victim's request for a rape crisis advocate or support person whenever possible
- Take responsibility for excluding a support person when appropriate and offer the victim and support person an explanation
- Secure a private location for the interview that is free from distractions
- Express sympathy to the victim and an interest in the victim's well-being
- Inform the victim of the need and importance of full disclosure of any and all recent drug use

(3) During the interview, the officer shall:

- Obtain contact information for the victim, including temporary accom-

modations

- Explain the nature of the preliminary interview and the need for follow-up contacts
- Ask victims to explain what they remember and how they felt
- Revisit the possibility of a support person for victims who initially declined the offer
- Explain that other professionals such as forensic examiners, detectives, evidence technicians, and prosecutors may have additional questions

(4) At the conclusion of the initial interview, the officer shall:

- Give the victim the investigator's contact information
- Encourage the victim to contact the investigator with any additional information or evidence
- Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation
- Ensure that requests for victim protection orders are made where indicated
- Provide written referrals for victim service organizations
- Provide transportation when reasonably possible
- Inform the victim about next steps in the investigation

3. Protecting Victim Rights

- a. Throughout the investigation of the case, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy.
- b. In addition, victims should be provided information on:
 - (1) The rights of a crime victim
 - (2) How to contact police if harassed or intimidated by the suspect(s)
 - (3) How to obtain written permission from the victim prior to releasing information
 - (4) The definitions of information that is part of the public record and confidential
 - (5) The possibility of media coverage and information the media has access to regarding sexual assault crimes

4. Arrest and Prosecution Decisions

In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Officers shall not introduce any forms for a victim to sign to

decline an investigation.

5. Delayed Reports

Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.

D. Forensic Examinations for Victims of Sexual Assault

Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

1. Investigating Officer Actions

- a. Ask the victim whether there is anyone who should be called or notified, and facilitate this contact
- b. Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need
- c. Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure
- d. Inquire whether the victim will consent to a forensic examination
- e. Inform the victim of the right to decline any or all parts of the examination
- f. Explain to the victim the potential consequences if any part of the examination is refused
- g. Notify a victim advocate to offer the victim support when a forensic examination is to be conducted
- h. Transport the victim to the designated medical facility if a forensic examination is warranted and the victim consents
- i. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault
- j. Assist in arranging for clothing the victim may need after the examination
- k. Seek permission from the victim to collect a urine sample for drug screening
- l. Obtain a signed release from the victim for access to medical records

- m. Encourage a victim who is unwilling to undergo a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases

2. Coordination with Forensic Examiner

Responding officers shall coordinate with other professionals such as forensic examiners and criminalists to determine whether a forensic examination is indicated.

- a. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they are known at that time.
- b. Officers should not normally be present in the examining room as the forensic examiner will testify about collection of evidence and the chain of custody.
- c. The nurse or physician shall brief the investigating officer at the conclusion of the examination.
- d. The police report shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the department for storage.

3. Presence of a Victim Advocate

When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The officer shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

4. Drug-Facilitated Sexual Assault Considerations

- a. If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If it has been less than 24 hours since the time of the assault, also obtain a blood sample in a grey-top tube.
- b. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.
- c. Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.

5. Reimbursement for the Examination

- a. The department will not pass the cost of the forensic exam onto the victim of a sexual assault, but shall seek sources of financial support from the community or state for these expenses
- b. Officers shall not use the state compensation program as means to encourage cooperation from victims
- c. In the case of a victim who is unable at this time to proceed with an investigation, financial concerns shall be addressed prior to the examination

E. Follow-Up Victim Interview

Prior to a follow-up interview, the investigating officer shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports. The officer should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.

1. Investigative Strategy

In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and re-photographing injuries to document changes in visible injuries.

2. Follow-Up Interview Protocol

- a. An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.
- b. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
- c. Arrange for equipment to tape record or videotape the interview so the officer can focus on listening.
- d. The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.
- e. At the start of the follow-up interview, the officer shall:
 - (1) Discuss the purpose and scope of the

interview

- (2) Review contact information for both the victim and investigator that may need to be updated
 - (3) Explain the victim's rights, including confidentiality
 - (4) Explain the need to tape record or videotape the interview and request the victim's consent
 - (5) Address arrest decisions including an explanation of the status of the case
- f. While conducting the follow-up interview, the officer shall:
- (1) First allow the victim to describe what occurred without interruption
 - (2) Relay what he or she heard for accuracy, identify new information or developments, and ask questions
 - (3) Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening manner
 - (4) Document the victim's actions in response to the attack, the victim's state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint
 - (5) Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations)
 - (6) Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way
- g. Once a thorough follow-up investigation has been completed, the investigating officer shall:
- (1) Evaluate impounded evidence and determine which items might have probative value based on the statements and other information
 - (2) Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence
 - (3) Present the complete case file including forensic results as soon as available to the prosecuting attorney for review and work with the prosecutor's office to develop the case
 - (4) Encourage the victim's continued sup-

port in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement

(5) Familiarize the victim, prior to trial, with the types of defense strategies and inquiries that may be made during cross-examination

3. When Lacking the Victim's Involvement

This department shall respect a victim's inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

F. Contacting and Interviewing the Suspect

1. The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.

2. Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

G. Sexual Assault Forensic Examination for the Suspect

This department will work with other agencies and community organizations to establish protocols regarding where the forensic examination of the suspect will take place, who will pay for it, and what steps will be involved. It is essential that the victim and suspect examinations must take place in different locations.

1. Protocol for Suspect Examination

a. Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.

b. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.

c. The investigator shall clearly document the suspect's freedom to decline any part of the examination and to leave at any time.

d. First-line officers and supervisors shall be trained to collect cells from inside a suspect's cheek for DNA profiling. Cotton-tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field.

2. Evidence Collection

a. The forensic examiner shall document the suspect's medical history, document all injuries that are observed, and collect bio-

logical and trace evidence from the suspect's body

b. If in custody, the suspect shall be given a *Miranda* warning before being asked medical history questions by the forensic examiner or investigator

c. If the suspect invokes his right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens

d. Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a *Miranda* warning

H. Role of the Supervisor

First-line supervisors shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors shall:

1. Respond to assist officers investigating felony sexual assaults

2. Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers

3. Assist in locating resources to effectively investigate sexual assaults

4. Encourage problem-solving partnerships to enhance cooperation between the department and community organizations such as rape crisis centers and forensic examination programs using a victim-centered approach

5. Include victim services information regularly at roll call

6. Develop and encourage community partnerships to reduce the risk of sexual assault

7. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault

8. Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution

9. Incorporate victim services issues into the evaluations of officers and detectives

10. Recognize and reward officers for rendering effective victim services

I. Blind Reporting

In the aftermath of a sexual assault, a victim may not have the emotional or physical capacity to commit to a full investigation and a court trial. Departments should consider establishing blind reporting systems to allow victims to take the investigative process one step at a time. This will allow time for the victim to establish trust with an investigator and become comfortable with the

investigative process.

Acknowledgment

This policy was prepared with the technical assistance of Sergeant Joanne Archambault San Diego, CA, Police Department (Ret.), Training Director, Sexual Assault Training & Investigations, Inc. (SATI), Addy, WA.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by Grant No. 2000-DD-VX-0020 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice or the IACP.

© Copyright 2005. International Association of Chiefs of Police, Alexandria, Virginia U.S.A. All rights reserved under both international and Pan-American copyright conventions. No reproduction of any part of this material may be made without prior written consent of the copyright holder.



BEST PRACTICES PROTOCOL FOR LAW ENFORCEMENT IN MISSING PERSONS CASES

**Promulgated by the Ohio Peace Officer Training
Commission Pursuant to Ohio House Bill 571,
Effective April 5, 2007; Amended June 20, 2008**

Best Practices Protocol For Law Enforcement In Missing Persons Cases

On April 5, 2007 House Bill 571 became effective. This bill amends sections 109.741 and 313.08 and enacts sections 2901.41 and 2901.42 of the Ohio Revised Code in regard to missing persons.

The Attorney General is required by this act to provide all Ohio law enforcement agencies with a protocol for best practices to follow in a case of this type. Each agency is then required to develop and adopt a written internal policy for that agency which establishes reasonable procedures to implement when a missing person report is filed. Each officer shall then make a good faith effort to follow those established procedures.

Definition of Missing Person: Eighteen years of age or older who is a temporary or permanent resident of Ohio and meets one of the following characteristics:

- 1) The individual has a physical or mental disability (at time of disappearance)
- 2) The individual is missing under circumstances indicating their safety may be in danger.
- 3) The individual is missing under circumstances indicating the disappearance was not voluntary.

A law enforcement agency is required to determine based on the individual circumstances of each case the age of the missing person and whether or not foul play and suspicious circumstances exist. Any further action required by this new law will be determined based on that investigation. They are as follows:

- 1) If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken and the information contained in the initial report must be entered into National Crime Information Center (NCIC) immediately. If additional information is received regarding a report on a missing person at least eighteen (18) but less than twenty-one (21) years of age, that information must be entered into National Crime Information Center (NCIC) immediately.

Note: The following conditions apply to missing persons who are 21 years of age and older:

- 2) If foul play is suspected, the information contained in the report must be entered into NCIC within seven (7) days.
- 3) If no foul play and the subject has not returned, the information contained in the report must be entered into NCIC within thirty (30) days.
- 4) If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven day period, the information contained in the report must be entered into NCIC before the end of that seven (7) day period.
- 5) If no foul play was indicated initially but evidence of such becomes known to the agency after the seven day period, the information contained in the report must be entered into NCIC within forty eight (48) hours.

When a missing person has been located the reporting agency shall promptly remove all information from NCIC.

As listed in this law, indications of foul play may include but are not limited to- a persons' car or home being in disarray, evidence of a struggle between the missing person and another individual (s), or any other evidence the law enforcement agency determines.

The following sample policy is intended as a guide for agencies that may not currently have a policy regarding missing persons other than juveniles. It is merely intended to be a resource for the law enforcement agency to use in developing their own policy and procedure.

Policy For Missing Persons Reports

The (insert agency name here) will have a policy regarding the handling of missing persons reports. This is in addition to the policy and procedures already in place for missing juvenile reports. When a complainant wishes to file a missing person report the representative from this agency taking the report will endeavor to check and ascertain the following:

- 1) Is the case a missing person case or could it be another situation. (Some factors for law enforcement to consider when making this decision are the missing persons' age, mental, physical, & emotional well being as well as family and social environment)
- 2) Is foul play or other type of criminal activity suspected
- 3) Could the missing person be at risk
- 4) Is a current description and photograph of the missing person available
- 5) What steps can the agency representative completing the report take to attempt to locate the missing person.
- 6) What other outside assistance - if any - might be needed
- 7) Has all necessary paperwork been completed and DNA standard been obtained if applicable

Based upon the results of the above steps the agency representative will take the necessary steps as outlined by law:

- 1) If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken and the information entered into National Crime Information Center (NCIC) immediately.

Note: The following conditions apply to missing persons who are 21 years of age and older:

- 2) If foul play is suspected the information contained in the report should be entered into NCIC as soon as possible but must be entered into NCIC within seven (7) days.
- 3) If no foul play and the subject has not returned, the information contained in the report must be entered into NCIC within thirty (30) days.
- 4) If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven day period, the information contained in the report must be entered into NCIC before the end of that seven (7) day period.
- 5) If no foul play was indicated initially but evidence of such becomes known to the agency after the seven day period, the information contained in the report must be entered into NCIC within forty eight (48) hours.

When a missing person has been located the reporting agency shall promptly remove all information from NCIC.

Other Considerations For The Investigation

The agency representative taking the missing person report must also consider other investigative resources that may be required in the case. These would include but are not limited to:

- 1) Missing Children's Clearing House thru the Attorney General's office:
614-466-5610
- 2) DNA collection thru Project LINK – Kits and information available through BCI & I (Uses DNA standard from missing person or family to be run through databases of unidentified deceased persons).
- 3) National Center for Missing Adults : 1-800-690 – FIND
- 4) Local FBI office
- 5) A Child Is Missing : 1-888- 875 – 2246
- 6) Local Coroner offices
- 7) <http://www.locateposters.org> – for missing persons posters
- 8) CART activation if warranted
- 9) Center For Human Identification : 1-800-763-3147
- 10) Any other agencies and/or resources that may be available to assist in the investigation of the case.

UNIFORM MISSING PERSON REPORT FORM

AGENCY DATA

Reporting Agency		Date		Case No.		ORI	
Reporting Officer			Officer ID	Unit/Assignment		Sector	Post
Unit Address				Phone		FAX	
Incident Type: Missing/Lost <input type="checkbox"/>	Parental Abduction <input type="checkbox"/>	Stranger Abduction <input type="checkbox"/>	Runaway <input type="checkbox"/>	Disabled <input type="checkbox"/>		Disaster Victim <input type="checkbox"/>	

MISSING PERSON DATA

Name (Last, First & Middle)				Sex	Race	Age
Home Address					Home Phone	
City/Town				State	ZIP	
D.O.B.	Height	Weight	Build	Hair Color	Eyes Color	Citizenship
Body Scars, Marks, Tattoos, Limp, etc.						
Clothing Description (Top to Bottom)						
					Jewelry, Glasses. Etc.	
Location Missing From:					Date/Time Last Seen	
Possible Destination					Photo Obtained Yes <input type="checkbox"/> No	

ACCOMPANIMENT DATA

May Be in Company With: Name				Sex	Race	Age
Home Address					Phone	
Friend/Acquaintance <input type="checkbox"/>	Relative <input type="checkbox"/>	Parental Abductor <input type="checkbox"/>		Suspected Abductor <input type="checkbox"/>		

INVOLVED VEHICLE DATA

Vehicle Involved Yes <input type="checkbox"/> No <input type="checkbox"/>	Make	Model	Body Type	License No.	State	Color
Listed to Missing Person <input type="checkbox"/>	Other Person (Name)					
Home Address (If Other Person)					Phone	
Other Characteristics of Vehicle						

COMPLAINANT DATA & WAIVER

Name		Sex	Race	Age
Home Address		Home Phone	Work Phone	
Relationship	Why Does Complainant Think Victim is Missing?			
<i>I am the parent/ legal guardian/ next-of-kin of the above named missing person and I hereby authorize the release of photographs and medical and dental records to assist criminal justice agencies in locating the missing person</i>				
Waiver Signature Date/Time				

ADDED DATA

Occupation		SSN	Employer/ School	
Employment/School Location			Education Level	
Driver's Permit Yes <input type="checkbox"/> No <input type="checkbox"/>	State	Driver's Permit No.		
Medical/Mental Problems			Medically Endangered Yes <input type="checkbox"/> No <input type="checkbox"/>	
Required Medications/Therapies				Blood Type
Dental Records Available Yes <input type="checkbox"/> No <input type="checkbox"/> Location:				
Body X-Rays Available Yes <input type="checkbox"/> No <input type="checkbox"/> Location:				
DNA Samples Recoverable Yes <input type="checkbox"/> No <input type="checkbox"/> Location & Type:				
Ever Arrested Yes <input type="checkbox"/> No <input type="checkbox"/>	Arrest Agency		Fingerprints Available Yes <input type="checkbox"/> No <input type="checkbox"/>	Mug Photo Available Yes <input type="checkbox"/> No <input type="checkbox"/>

INVESTIGATIVE DATA

Hobbies & Interests				
Associations & Hang-Outs				
Access to Home Computer Yes <input type="checkbox"/> No <input type="checkbox"/>		E-Mail Address		
E-Mail Correspondence				
Pager/Cell Phone Numbers		Mobile Service Provider	Credit Cards in Possession	Cash in Possession Amount \$
Date/Time NCIC Entry		Report Copy To MCMC Yes <input type="checkbox"/>	AMBER ALERT Activated Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	NCMEC Notified Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
NCIC Entry Criteria Juvenile <input type="checkbox"/>	Involuntary <input type="checkbox"/>	Endangered <input type="checkbox"/>	Disability <input type="checkbox"/>	Catastrophe Victim <input type="checkbox"/>

FORENSICS DATA

CASE STATUS DATA

Open Case Yes <input type="checkbox"/>	Returned/Located Yes <input type="checkbox"/>	Return/Location Verified by: Date/Time	Unfounded Case Yes <input type="checkbox"/>
Officer's Signature		Date/Time	Supervisor's Signature Date/Time

**USE A STANDARD AGENCY REPORT FORM FOR CASE NARRATIVE
AND ANY ADDITIONAL INFORMATION**

MAYOR’S SPECIAL COMMISSION: Chart Comparison of Missing Person Investigations in Reviewed Cities

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Atlanta, GA Atlanta Police Department (“APD”) Georgia Criminal Information Center (“GCIC”) National Crime Information Center (“NCIC”)	State: someone who is missing and 18+ years old; also a person hospitalized or resident in a facility if absent unexpectedly APD: any person absent from, or who fails to reach, some location within a reasonable length of time without a known or apparent reason	Not explicitly categorized, but elevated responses as detailed in “initial response” column, and Mattie’s Call as detailed in “notification” column	Primary responsibility placed with Adult Missing Persons Squad of the Homicide Unit (which is a part of the Criminal Investigations Division) One investigator in the Adult Missing Persons Squad	Communications Section call taker broadcasts lookout Elevated response for foul play, elderly, mental/ physical impairment, suicidal Highest response for foul play and mental/physical impairment	Anyone can make a report Officers on scene complete incident report	All cases transferred to Adult Missing Persons Squad	APD submits data to NCIC and Georgia equivalent (GCIC)	Lead investigator, in consultation with Criminal Investigations Division commander, may notify local media “Mattie’s Call” statewide alert for missing adults with dementia or developmental impairment	Adult Missing Persons Squad (Homicide Unit) handles all follow-up Investigator must check Atlanta jails, hospitals, shelters, and last known location of person; also check driver’s license and criminal history, financial records, and cell phone records; interview employers, coworkers, and neighbors	Records removed from NCIC/GCIC If recovery report received by phone, it must be verified through a visit by a patrol officer	No waiting periods may be imposed on making report
Austin, TX Austin Police Department (“APD”) Missing Persons Unit (“MPU”) Texas Criminal Information Center (“TCIC”) National Crime Information Center (“NCIC”) Search and Rescue	State: a person 18+ years old whose disappearance may not be voluntary, or a person of any age who is: (1) subject to immediate danger or is a danger to others because of a physical or mental disability or senility; (2) in the company of another person or in a situation that indicates that the missing person’s	The MPU uses two title codes for missing adults: (1) Missing Person – person may have left involuntarily or may be in danger; (2) Request to Locate—no reason to believe adult left involuntary or is in danger	APD has an MPU within the Violent Crimes Unit Cases: 3942 in 2007; 3929 in 2008; 3844 in 2009 Cases assigned based on current case load MPU is subject to an annual inspection that seeks to compare the APD’s formal expectations with the actual performance	Dispatch sends a patrol officer to the scene If case is a “Missing Person” then the MPU will be called to the scene	The first responder, supervisor, OR the MPU detective will make the initial report and assign a title code All reports are made electronically All cases are transferred to the MPU If the MPU is not called to the scene (i.e. the case is a Request to Locate)	Under the CBA, to be eligible for the position of detective, officers must have been in the force for five years and must pass a written examination; additional bonus points are added to the written examination score for education and seniority MPU Sergeant has authority to select	APD submits data to DPS Clearinghouse, TCIC, and NCIC	Detectives may notify the news media	If complainant stops returning phone calls, then MPU must send letter/contact card; If no response in 15 days then case is suspended For Missing Person cases, MPU must obtain a written statement from complainant stating that they believe the missing adult is in danger	If a case is closed, the records will be maintained off-site If the report is a request to locate, the case will be suspended after 30 days if no information becomes available	University of North Texas maintains a DNA database for matching high-risk missing persons with human remains DPS maintains a clearinghouse that maintains a website and records; website allows public to search via numerous criteria MPU is required to contact the volunteer

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
<p>Team ("SAR")</p> <p>Collective Bargaining Agreement ("CBA")</p> <p>Department of Public Safety ("DPS")</p>	<p>safety is in doubt; OR (3) unemancipated</p>		<p>of the MPU</p>		<p>then the report will still be electronically submitted to MPU</p> <p>ALL missing person cases (Missing Persons and Requests to Locate) are assigned to MPU detectives in an equitable manner</p>	<p>detectives based on: (1) submission of request; (2) desire to investigate; (3) work experience; (4) interpersonal skills; and (5) reputation as a detective; no requirement to make selection via seniority</p>					<p>SAR, which is composed of 18 volunteers; volunteers are required to have national certification and carry APD-issued pagers</p> <p>MPU has stated procedures for investigating a missing person with an arrest warrant</p>
<p>Baltimore, MD</p> <p>Baltimore Police Department ("BPD")</p> <p>National Crime Information Center ("NCIC")</p> <p>Department of State Police ("DSP")</p>	<p>State: someone who is missing and 18+ years old</p> <p>BPD: someone meeting at least one of eight criteria considered missing; also five criteria exist to consider someone not missing</p>	<p>Special class for "Silver Alert" – see "notification" column</p> <p>No special departmental categories</p>	<p>Not detailed in Department Policy</p>	<p>Responding officer must examine area where missing person last seen after seeking written permission to search; if officer thinks area may be crime scene, must stop examining and contact supervisor</p>	<p>"Reporting person" is one who known what is unusual or out of character for the missing person</p> <p>Reporting Person must sign affirmation of facts given in Missing Person Report</p> <p>BPD must accept report made in person; may accept report by phone or other electronic means if reporting person completes missing person form in person as soon as possible</p>	<p>Not detailed in Department Policy</p>	<p>Only missing persons with mental or physical disabilities are required to be entered into NCIC and Maryland Interagency Law Enforcement System</p>	<p>"Silver Alert" statewide alert for missing persons (1) with cognitive impairment that requires a caregiver and (2) whose disappearance poses threat due to age, health, environment, or disability</p>	<p>Not detailed in Department Policy</p>	<p>Not detailed in Department Policy</p>	<p>No waiting periods may be imposed on making report</p> <p>With "Silver Alert," DSP directed to consult with State Department of Education to develop a program to allow high school students to assist in the search</p>

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Bedford Heights, OH Bedford Heights Police Department ("BHPD") National Crime Information Center ("NCIC")	Person's whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns.	Not detailed in Department Policy	No separate unit	No waiting period allowed	Detailed form "Missing Person Investigative Report" must be completed	Not detailed in Department Policy	BHPD submits data to NCIC, A Child is missing (applies to elderly and disabled), and National Center for Missing and Exploited Children	Police Chief and missing person's family must approve	If not located within 30 days, release dental and fingerprint records Contact hospitals and coroner's office	Competent adults cannot be forced to return Reporting parties will be notified of the well-being of the missing person All agencies and information systems will be updated	
Burlington, VT Burlington Police Department ("BPD") Missing Persons Unit ("MPU") Uniformed Services Bureau ("USB") Detectives Services Bureau ("DSB") Vermont Criminal Information Center ("VCIC") National Crime Information Center ("NCIC") Collective Bargaining Agreement ("CBA")	State: an individual whose whereabouts are unknown AND who is either: (a) physically disabled; (b) mentally disabled; OR (c) an unemancipated minor BPD: a missing person report will be investigated if the person's last known location was within the city of Burlington	BPD does not have specific department categories for missing persons; however, if the person is mentally ill, a child, or circumstances indicate that the case is of an urgent nature (i.e. the missing person didn't leave voluntarily) then it is immediately transferred to DSB	No MPU The BPD has two bureaus: (1) USB, consisting of patrol; and (2) DSB consisting of detectives	Dispatch sends out a USB officer If the missing person left involuntarily or is in danger then the case will be transferred to DSB	Dispatch First responding officer	If missing person left involuntary or is in danger, DSB is immediately involved If the case is not of an "urgent nature" (person didn't leave involuntarily and is not in danger) then case stays with USB for 10 days and then is transferred to DSB	Dispatcher enters information into VCIC Department of Public Safety enters information into NCIC	News media may be used if authorized by the Chief of Police Before Chief of Police authorizes disclosure, he/she must consult with the family of the missing person	Officers must keep in frequent contact with the reporting person If missing person is located, the officer must notify reporting person as soon as possible	Records personnel must fill out NCIC cancellation form, send it to Department of Public Safety who in turn will delete the NCIC entry	Vermont doesn't have a missing adult alert program Vermont Statutes definition of missing person excludes missing adults without disabilities

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Charlotte, NC National Crime Information Center ("NCIC") Charlotte-Mecklenburg Police Department ("CMPD")	Any individual 18+ years old whose location has not been determined and who has been reported as missing to a law-enforcement agency	Not detailed in Department Policy	Missing Persons Unit Hierarchy: sergeant, detectives, investigative technician Case management by case status designation system	No waiting period allowed Broadcast a bulletin Make NCIC entry Faster response when foul play suspected	Must be made by a parent, spouse, guardian, custodian, etc.	Not detailed in Department Policy	Interaction with the Center for Missing Persons in handling missing persons cases File NCIC entries	CMPD website has "missing persons gallery"	Referrals made to appropriate sources of assistance Crimes documented and referred to appropriate unit	When the person's location is known and they have been positively identified	Center for Missing Persons maintains a directory of groups/individuals who can assist families Center maintains a toll free line Personnel required to display empathy
Chicago, IL Missing Persons Section ("MPS") National Crime Information Center ("NCIC") Law Enforcement Agencies Data System ("LEADS")	Missing Juvenile: a person younger than 21 whose whereabouts are unknown Missing Adult: a person 21+ years old whose whereabouts are unknown and unusual circumstances exist	High Risk Report includes Disabled Missing: missing person who has a mental and/or physical disability; Endangered Missing: a person missing under circumstances that indicates physical safety in danger; Elderly Missing: a missing person sixty-five years of age or older	Youth Investigations Division- Missing Person Section Hierarchy: Area Commanding Officer; Supervisor; Detective	No waiting period District Field Unit takes report at scene for "high risk" All others require report to be completed at district facility unless special circumstance exists (child, disability, etc.)	Preliminary Investigating Officer completes initial report and complainant signs If complainant does not sign, officer must put REFUSED on report All follow-up investigations done by MPS	Preliminary Investigating Officer forwards all reports to MPS and then MPS assigns a detective to conduct follow-up Supervising Sergeant responds to all "high risk" missing person reports	MPS enters all information on the report into NCIC and LEADS	If "high risk" or newsworthy missing person, the preliminary investigating officer must alert Citywide three Dispatcher who initiates a formal flash message	All follow-up reports are completed by the MPS detective Within 7 days, the MPS detective must re-contact the person who filed the report and submit a supplementary report MPS detective has 41 investigative techniques as a guide to assist in locating the missing person	If a missing person is located or found, this info must be verified by the preliminary officer and forwarded to the MPS If a detective is unable to make contact with the person who filed the report after three watches a report will state this info	The MPS works directly with the coroner to match unidentified bodies with missing persons A detective must submit a report to supervisor to change the status of a missing person from "high risk"; the supervisor must also receive approval

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Cincinnati, OH National Crime Information Center ("NCIC") Emergency Search for Missing or Endangered Team ("ESME") Hamilton County Urban Search and Rescue Task Force ("USAR") Cincinnati Regional Crime Information Center ("RCIC") Ohio Law-Enforcement Automated Data System ("LEADS")	Missing person is a person over the age of 18 that is reported missing Missing Endangered Adult is a person over the age of 18 that is (i) a possible victim of foul play, (ii) in poor mental or physical condition, or (iii) has demonstrated specific evidence of dangerousness to himself or others	Not detailed in Department Policy	ESME are trained first responders USAR is a country-wide large area search team Personal Crimes Unit or Criminal Investigation section follow up	ESME responds Elevated response for Endangered Missing Adults, and Senior Alters Determine if USAR area search necessary	Any responsible adult can report If responsible adult missing by choice, it's not a missing person Two additional checklists for ESME officer	ESME faxes report to Personal Crimes Unit ESME officer investigates until conclusion of shift, then transitions investigation to next ESME officer or district investigator notify correct jurisdiction if necessary	ESME notifies: Police Communications Section, which initiates teletype and radio broadcast NCIC RCIC A Child is Missing Program for Endangered Missing Adult Senior Alert LEADS	Media always contacted Different process for contacting media depending on time of day	Not detailed in Department Policy	Cancel teletype and broadcast Complete Incident Closure Report and forward to proper district and Records Section Inactive after 30 days if person who made report cannot be located Inactive after 90 days if no further helpful information available	A lot of county-wide programs (USAR, RCIC)

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Cleveland, OH Internal Record Management System (“RMS”) National Crime Information Center (“NCIC”) Ohio Law-Enforcement Automated Data System (“LEADS”)	State: a person that is 18+ years old, AND (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary	Not detailed in Department Policy	Not detailed in Department Policy	Supervisor must be notified if person is suicidal or a NCIC report was made Must contact warrant unit, hospital list, coroner’s office, Alzheimer’s Association (if necessary) Must determine if vehicles involved were towed	Generated by officer Must have title that classifies type of report	Not detailed in Department Policy	RMS NCIC LEADS Broadcast to all districts if Endangered/ Elderly adult	Not detailed in Department Policy	Missing Person Liaison manages missing person files and follows up, ensures that all reports are made in a timely fashion	Dental records forwarded to missing person liaison if not located within 30 days Complete RMS supplement to close case Notify all police districts	
Columbus, OH National Crime Information Center (“NCIC”) Ohio Law-Enforcement Automated Data System (“LEADS”)	A person over the age of 18 who is absent from where the person is supposed to be IF (i) the person has a mental or physical disability or (ii) the circumstances indicate the person may be in danger or involuntarily absent	Not detailed in Department Policy	Special Victims Bureau (Missing/Exploited Children Unit or Sexual Assault Unit) respond in cases where missing person in danger	Missing person only includes those with physical or mental disability, danger, or involuntary Only required to search if danger	Patrol officer takes report Patrol officer must note that there appears to be no basis for report if patrol officer determines that	Precinct officer determines scope of search and whether other units should be involved Notify special victims bureau if missing person in danger	LEADS NCIC	Patrol officer must inform reporting person that LEADS and NCIC will be used	Not detailed in Department Policy	Cancel LEADS and NCIC	

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Kansas City, MO Kansas City Police Department ("KCPD") Fugitive Apprehension and Arraignment Section ("FAAS") National Crime Information Center ("NCIC") Missouri Uniform Law Enforcement System ("MULES")	State: someone who is missing and 17+ years old, and (1) is substantially physically or mentally disabled, or (2) is missing under circumstances indicated person's safety may be in danger, or (3) missing under involuntary or unknown circumstances, or (4) was with someone in violation of court order and person may be taken outside country KCPD: someone whose whereabouts are unknown and unexplained for a period of time deemed highly unusual or suspicious by knowledgeable parties, considering the person's behavior patterns, plans, or routines	"Missing endangered persons" as detailed in "notification" column	Primary responsibility placed with FAAS Two detectives handle all missing persons cases	Dispatch sends at least one officer and a sergeant No categories for elevated response	Anyone can make a report Official police report only completed after preliminary investigation determines that at least one of seven circumstances exist	All cases transferred to the FAAS Initial contact to the FAAS 7 a.m. to 3 p.m. weekdays; contact Violent Crimes Division 3 p.m. to 7 a.m. weekdays and day weekends and holidays	Data submitted to NCIC and MULES Missing Persons Unit of State Highway Patrol is central repository for Missouri missing persons	Missing Persons Unit of State Highway Patrol can issue Endangered Person Advisory for missing persons (the "Missing Endangered Persons") who (1) are mentally/physically disabled to degree of dependency on another, (2) may be in danger, or (3) are missing under unknown/involuntary circumstances	FAAS handles all follow-up	Records removed from NCIC/MULES	No waiting periods may be imposed on making report

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Parma, OH National Crime Information Center ("NCIC") Ohio Law-Enforcement Automated Data System ("LEADS")	State: a person that is 18+ years old, AND (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary	A missing person who may be endangered, missing involuntarily, disabled, a catastrophe or accident victim, or other such circumstances that warrant police intervention	Not detailed in Department Policy	A missing person report will only be taken for adults if circumstances indicate the individual is endangered, missing involuntarily, disabled, a catastrophe or accident victim, or other such circumstances	The report should be taken from a relative, spouse or legal guardian Reports can be taken from a close friend, co-worker, or someone who has genuine concern for the missing person	Not detailed in Department Policy	When a report is taken, the information is entered into LEADS/NCIC	Additional factors only present if missing elderly or mental/health issues: Police should consider contacting news media and neighboring police departments/RTA	Not detailed in Department Policy	The missing person should be interviewed to determine if there was any criminal activity involved in the disappearance Remove info from LEADS/NCIC and will dispatch an officer to the residence to confirm the return	If missing person is non-Parma resident, a missing persons report may be taken if person was last seen in Parma and circumstances are suspicious or suggest foul play
Philadelphia, PA Philadelphia Police Department ("PPD") National Crime Information Center ("NCIC") Philadelphia Crime Information Center ("PCIC") Operations Room Supervisor ("ORS")	PPD: person considered missing if one of eight criteria are met	Not detailed in Department Policy	PPD has a " Long Term Missing Person Section" that handles cases after 30 days ("70% investigative, 30% administrative") (can handle 120 missing adult cases at one time) Categorizes missing persons into 8 groups, which shape investigation	ORS must be given information about missing person and scene where last seen Uniform personnel should correspond with ORS via telephone Must conduct thorough visual and physical check of the missing person's residence/auto	The PPD accepts reports from any adult with some degree of responsibility over missing person; when in doubt, the report is taken Each missing person report must be filled out completely Each case needs own complaint number	Not detailed in Department Policy	PPD must submit data to: PCIC Commonwealth Law Enforcement Assistance Network NCIC	Not detailed in Department Policy	Assigned investigator must re-interview complainants within 72 hours after initial visit and once per week for minimum of one month Long Term Missing Persons Section takes care of cases after 30 days and works with various crime/advocacy groups	Interview missing person upon finding them Missing person should be transported to zone for interview Computerized Missing Person Cancellation process	ORS checks names listed on missing person bulletins against defendants slated on the arrest registrar Bulletins are produced by the PCIC for people missing longer than 30 days, and distributed to each patrol district

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Pittsburgh, PA Pittsburgh Police Department ("PPD") National Crime Information Center ("NCIC") Missing Persons Unit ("MPU")	No detailed definition provided by State or PPD	Not detailed in Department Policy	Bureau has a MPU Other units are encouraged not to instantly send reports to the MPU unless there is reason to believe missing person may be a victim of rape, kidnapping, homicide, etc., or if missing adult has not been located 5+ days	Supervisor in charge of the zone of occurrence determines the type of search and investigation to conduct based on the circumstances Communications section instructed to broadcast over police radio network	Reports must be taken by personal interview (not telephone); only taken from people "clearly associated" and responsible for missing person Must be taken by personnel in "zone of occurrence"	Not detailed in Department Policy	Bureau must submit data to: NCIC Commonwealth Law Enforcement Assistance Network	Not detailed in Department Policy	Persons making report to Bureau must be given telephone number of zone of occurrence and advised to report new information Must advise zone station when missing person has been located	Not detailed in Department Policy	For reporting, if missing person is under 21, person initiating report must provide written statement confirming person is missing
Toledo, OH Toledo Police Department ("TPD") National Crime Information Center ("NCIC") Ohio Law-Enforcement Automated Data System ("LEADS")	State: a person that is 18+ years old, AND (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary	Where there is a possible involuntary absence, or voluntary absence if other circumstances are involved	There is a missing persons office that is in charge of all substantive investigations of missing persons reports	Patrol officers respond to and file a report for <u>all</u> missing persons Under unusual circumstances, a supplemental crime report is used The patrolman will have the records bureau report to Northwest Ohio Regional Information System / LEADS/ NCIC	No limitation on who may report	The investigative services desk completes forms and enters the information into the TPD's database The Missing Persons Office reviews the reports, and does all investigation of missing person	The Records Bureau is responsible for entering information into Northwest Ohio Regional Information System, LEADS, and NCIC data files	Not detailed in Department Policy	The Missing Persons officer is responsible for interviewing the reporting person	Missing Persons investigator responsible to close the case by informing the Investigative Services, who will cancel the reports Phone calls from reporters are directed to Investigative Services	Under extenuating circumstances, an Operations supervisor will be called and will determine if an immediate field search is necessary; the supervisor runs the search, which will go on until the missing person is found or a supervisor finds leads to be exhausted

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Virginia Beach, VA Virginia Beach Police Department ("VBPD") National Crime Information Center ("NCIC") Missing Person Unit ("MPU")	No detailed definition provided by State or VBPD	At risk: any person whose whereabouts are unknown and whose continued absence poses a health or safety concern for that person or others	VBPD has a MPU within the Investigative Division Cases: 399 in 2007; 336 in 2008	An officer takes a report from the person reporting If the missing person is "at risk" or a senior within Senior Alert Program, the Investigative Division is called	The first report is made by the officer who arrives at the scene Anyone can report a missing person	All missing person reports are forwarded to the Investigative Division of the MPU Once MPU is given the case, follow-up investigations begin	Information is submitted to NCIC	Local broadcasting, computer/soft-ware based systems are used to notify public when a Senior Alert is initiated	MPU follows up with additional interviews with reporting person and any other leads received regarding the missing person	After locating the missing person, a follow-up interview is conducted by the investigator from the MPU All flyers and NCIC entries are cancelled	

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
Warrensville Heights, OH	State: a person that is 18+ years old, AND (a) has a physical or mental disability, (b) is missing under circumstances that indicate safety may be in danger, or (c) is missing under circumstances that indicate the disappearance was not voluntary	Not detailed in Department Policy	Not detailed in Department Policy	Officer should file a missing person report	The report should establish the relationship between the reporter and the missing person, circumstances under which went missing, and any information about possible whereabouts	Not detailed in Department Policy	Reporter is advised of entry on the computer system Entry made without delay	Not detailed in Department Policy	Not detailed in Department Policy	Computer entry cancelled Verification of return for juveniles only (none for adult missing persons)	Reporter of adult missing person informed that if the missing person is located, he cannot be held, forced to return, or forced to explain whereabouts
International Association of Police Chiefs Model Policy National Crime Information Center ("NCIC")	The person's whereabouts are unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans, or routines	None identified in Model Policy	Not applicable (Model Policy)	No waiting period Report can be taken in person or by phone "Missing critical" includes foul play, unable to properly care for himself due to age (old or young), diminished mental or physical capacity, mental conditions that are potentially life-threatening, mental institution patient and potentially dangerous, suicide risk, missing after sporting accident or natural disaster	Gather as much pertinent information as possible in order to properly classify a missing person report (name, physical description, relationship of reporting person, last seen, habit of disappearance, extent of prior search, recent significant events or behavior changes, dependent on drugs or alcohol, history of mental illness, current physical condition, prescription medications) If "missing critical" then supervisory	Not described in Model Policy	NCIC The National Center for Missing and Exploited Children If "missing critical" broadcast to all persons on duty and request authorization for area search Provide identification information to all elements of the police department, state police missing persons department, neighboring police agencies, and FBI (if stranger to stranger abduction)	Police chief and family of person reported missing will determine whether to contact local media	Preliminary investigation to obtain additional information and search for missing person Gather information (photograph and complete description, details of physical or emotional problems, last persons to see missing person, plans, habits, inventory of belongings, foul play or accident Contact hospital, coroner's office; interview appropriate people, check last	Relevant individuals must be informed that they must notify lead investigator if any contact is made with the missing person Competent adults that left home for personal reasons cannot be forced to return, but the officer shall advise the person that they are the subject of a missing person report, ask if they want their next of kin to be notified of their whereabouts, and notify the next of kin if approved	Criminal charges will be filed with the prosecutor's office where indicated

<u>City</u>	<u>Definition of Missing Persons</u>	<u>Categories of Missing Persons Reports</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Initial Response</u> (Including categories that elevate response)	<u>Initial Report</u> (Who can report, sign report?)	<u>Transition to Missing Persons Unit or Assignment to Detective</u>	<u>Reporting to National/State/ Regional Agencies</u>	<u>Notification to Community/ Public/ Media</u>	<u>Follow-up Reports</u> (Including missing person liaison)	<u>Close Case</u>	<u>Miscellaneous</u>
					officer shall be notified				place seen Lead investigator maintains routine contact with missing person's closest relative	Reporting parties will be notified of the well-being of the missing person Officer should establish whether criminal activity was involved Missing persons do not have to reveal their locations, unless criminal matters necessitate	

MAYOR’S SPECIAL COMMISSION: Chart Comparison of Sex Crimes Investigations in Reviewed Cities

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Atlanta, GA	Primary responsibility placed with Sex Crimes Squad of the Special Victims Unit	Investigator responds to dispatcher’s radio call of sex crime report	Investigator responds to scene, coordinates crime scene activities, obtains statements, collects evidence, and responds to hospital to interview victim	Investigators complete the incident report	All sex crimes investigated by Sex Crimes Squad	Investigator obtains statement from victim at hospital	Victims preferably taken to the hospital with a Rape Crisis Center Forensic medical examination provided at no cost to victim	Investigator should make every effort to obtain victim’s clothing Blood and urine samples also requested if victim may have been drugged or too intoxicated to consent	Fulton County District Attorney has special “Crimes Against Women and Children Unit” Investigators must follow case preparation procedures	Certain government employees must provide written statement of victim’s rights Investigator must make every effort to ensure victim is returned to safe environment	Three tiers – Level I, Level II, and sexually dangerous predator Tier (risk level) classified by state review board Lifetime registration Initial registration at release from custody Periodic verification with county sheriffs Sexually dangerous predator must wear GPS tracking device for life	“Kimberly’s Call” statewide alert system for murder or rape suspects determined to be serious public threats

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Austin, TX Austin Police Department ("APD") Sex Crimes Unit ("SCU") Collective Bargaining Agreement ("CBA") Sexual Assault Response Team ("SART")	APD has an SCU The SCU only investigates sexual assaults committed against victims 17 or older APD has a separate unit that investigates child sexual abuse Detectives assigned misdemeanors based on location of offense, felonies assigned based on detectives' availability SCU is subject to an annual inspection that seeks to compare the APD's formal expectations with the actual performance of the SCU	No notice to the community	Dispatch sends out a patrol officer, SCU must respond if there is a home invasion, serious injury, a serial rapist, or the offense involves the arrest of a suspect for a felony charge	Patrol officer or SCU detective All reports are made electronically	Under the CBA, to be eligible for the position of detective, officers must have been in the force for five years and must pass a written examination; additional bonus points are added to the written examination score for education and seniority SCU Sergeant has authority to select detectives based on: (1) submission of request; (2) desire to investigate; (3) work experience; (4) interpersonal skills; and (5) reputation as a detective – no requirement to make selection via seniority	Audio taping is required, and videotaping is preferred SCU has hand held video recorders that the detectives will take with them SCU detectives have email addresses and pagers	APD will transport rape kits from the hospital to forensic lab	APD is required to request medical examination if victim reported within 96 hours of the offense; however the department policies are under review and the SCU will probably adopt a 120 hour policy because the SCU believes it is 120 hours is the best practice	The SCU is required to update the victim on case progression and discuss complex cases with the prosecutor; if the prosecutor decides not to prosecute, then an officer must document the name of the attorney in a supplement to the report	Police are required to provide information about victim's rights Police are required to use a pseudonym on all police reports at the victim's request	Sex offender must register with and report to the APD if he/she lives, works, or attends school in Austin APD has a Sex Offender Apprehension and Registration Unit that deals with registering and monitoring offenders	SCU has public service announcement campaign "We Believe"; SCU trying to get video played in movie theatres and get ads on the side of city buses; effort is being headed by SART; SART is trying to get a federal grant from the Office for Victims of Crime to fund the campaign

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Baltimore, MD Baltimore Police Department ("BPD")	Primary responsibility for sex crimes placed with Criminal Investigations Bureau Sex Offense Unit (the "Sex Crimes Unit")	Officer responds to dispatcher's radio call of sex crime report	Officer determines if rape, attempted rape, or sodomy offense – if so, immediately contact Sex Crimes Unit If no medical emergency, officer remains at crime scene until detective arrives	Officer completes preliminary offense report Report includes weather and lighting conditions when and where offense occurred; if victim refuses medical attention; arrival time at victim's location and crime scene (if different); when detective notified; detective's arrival time	All rape, attempted rape, and sodomy offenses are handled only by Sex Crimes Unit	If no medical emergency, interview at scene If victim at hospital, interview in as private a setting as possible	All victims 13+ years old preferably examined at one hospital Evaluation first by triage nurse	Victim's clothing, rape kit, and blood samples must be submitted to Evidence Control Section	Not detailed in Department Policy	Victim's address and phone number may be suppressed before and during criminal trial Court may order HIV testing of persons charged and convicted of crimes that may have caused exposure to HIV Victims are not permitted to drive themselves to the hospital Officer or detective must ensure victim's safe return home or elsewhere after examination	Four categories – offender, sexually violent offender, child sexual offender, sexually violent predator – classified by crime 10-year (for offender class) or lifetime (for other 3 classes) registration Initial registration at release from custody Periodic verification with BPD for offenders in City of Baltimore	
Bedford Heights, OH	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Burlington, VT Burlington Police Department ("BPD") Chittenden Unit for Special Investigations ("CUSI") Uniformed Services Bureau ("USB") Detectives Services Bureau ("DSB") Department of Children and Families ("DCF") Collective Bargaining Agreement ("CBA") Sexual Assault Nurse Examiner ("SANE") Sexual Assault Response Team ("SART")	The BPD has two bureaus: (1) USB, consisting of patrol; and (2) DSB consisting of detectives BPD does not have a Sex Crimes Unit, but there is a regional special investigative unit, CUSI CUSI is run by a Board of Directors Personnel includes Director, 7 detectives, Children's Advocacy Center Director, Victim Advocate, State's Attorney, DCF investigator 326 cases in 2006; 434 in 2007; 448 in 2008	Dispatch will send BPD to the scene All BPD officers are trained in First Response Procedures by CUSI BPD will follow First Response Procedures (secure scene and victim's safety) and call CUSI to the scene BPD has guidelines for when an officer should contact his/her Supervisor who will in turn call CUSI; however, in reality the BPD always calls CUSI to the scene If after hours, then BPD supervisor will call BPD dispatch who will call an on-call CUSI detective	CUSI will respond to the scene unless it is a minor lewd and lascivious act (i.e. friends mooning one another) If CUSI doesn't respond or the BPD doesn't call CUSI to the scene, the BPD will forward ALL sexual assault reports to CUSI	CUSI will review the case to decide whether or not it will accept the investigation CUSI investigates all serious sexual assaults The BPD may stay in charge of minor lewd and lascivious cases	The promotional procedures from USB to DSB are not spelled out in the CBA; from interviews, it appears that an officer must be in the USB for approximately three years in order to reach the rank of Senior Officer; once someone has reached the rank of Senior Officer they are eligible to transfer over to DSB and be a detective CUSI personnel is selected by the CUSI Director and approved by the Board of Directors	Victim is interviewed in a statement room that is furnished like a living room at CUSI Audio and video equipment is used if available	CUSI will transport victims to the local health center that has a SANE CUSI will transport rape kits from the health center to the state laboratory	If evidence can't be immediately transferred to the state laboratory then CUSI will keep the evidence in temporary storage units/refrigerators at CUSI	Determination to prosecute is a collaborative decision made among all CUSI personnel and SART	All victims are provided with victim services and a victim advocate immediately CUSI has a picture book that has pictures of the CUSI facility, CUSI personnel, judges, courthouse, and courtrooms; the picture book is used to show victims CUSI and illustrate the prosecutorial process	Sex offender must register and report to the Vermont Department of Public Safety State law allows local law enforcement agencies to verify addresses by conducting compliance checks; CUSI performs these compliance checks twice a year	After the formation of CUSI, the Vermont legislature drafted a statute that requires the formation of regional specialized unit for sexual crime investigation, like CUSI CUSI bylaws require that the Board of Directors be composed of a State's Attorney, County District Director, two chiefs of police, two town managers, a municipal attorney, a representative from the Women's Rape Crisis Center, and a SANE representative

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Charlotte, NC	Sexual Assault Unit exists Unit consists of sergeant, detectives, investigative technician Use case designation system	Community Problem Oriented Policing approach (active interaction with community in solving crimes)	Not detailed in Department Policy	Not detailed in Department Policy	Not detailed in Department Policy	Victims must be contacted within five days	Not detailed in Department Policy	Required by Statutory Requirements to preserve physical evidence reasonably likely to contain biological evidence	Not detailed in Department Policy	Not detailed in Department Policy or Statutory Requirements	None	Closed or cleared cases must remain on file for at least three years
Chicago, IL	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Department Policy unavailable	Special Investigations Unit presents sex crime cases to Cook County Prosecutor County Prosecutor decides whether to move forward with the case	Department Policy unavailable	Sex offenders must report and register with the Law Enforcement Agency in which he/she resides, works, is employed, or attends school	Sex offenders must pay a \$20 initial registration fee and a \$10 annual re-registration fee If an offender is indigent, the Local Law Enforcement Agency may waive the fee

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Cincinnati, OH Criminal Investigations Section ("CIS") Personal Crimes Unit ("PCU")	Criminal Investigation Section Personal Crimes Unit	Victim's identity confidential	District personnel responsible for preliminary investigation of all sex crimes District personnel responsible for follow-up investigation of gross sexual imposition (Victim 18 or older), sexual imposition (victim 18 or older), importuning, voyeurism and public indecency	Report received by district personnel If rape, unlawful conduct w/a minor, gross sexual imposition or sexual imposition, the officer who received complaint will notify supervisor and supervisor will coordinate preliminary investigation	Criminal Investigation Section responsible for follow up investigation of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition (victim 17 or younger), and sexual imposition (victim 17 or younger)	Only supervisor and officer who received complaint should interview Avoid having victim repeat embarrassing details Location should not be high traffic	University Hospital unless victim insists on different hospital Patrol officer will notify PCU or CIS before transporting victim to hospital	Only CIS Personal Crimes Unit investigations can pick up Rape Kits from University Hospital CIS Personal Crimes Unit must contact University Hospital at least once per week to determine whether any Rape Kits need to be picked up If exam occurs at another hospital, CIS Personal Crimes Unit investigators will pick up the Rape Kit upon notice of completion	Not detailed in Department Policy	Victim's name not used on police report (initials)	Same as Cleveland	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Cleveland, OH Cleveland Division of Police (the "CPD") Sexual Assault Nurse Examiner ("SANE")	Sex Crimes Unit that is responsible for all sex crimes and juvenile endangerment cases Supervisors will assign cases to detectives based on relative workload Log book kept to track assignments and disposition of case	Sex crimes are given highest priority by dispatch (level one)	Patrol officer conducts initial interview and investigation; upon completion, files a report which is sent to sex crimes unit For sex crimes, shift supervisor typically called to the scene to aid in initial investigation; patrol officer responsible for calling supervisor	Patrol officer fills out standard RMS form indicating identity of parties, specifics of crime, and a narrative	After conducting preliminary interview, sex crimes unit informed via fax; process can take over 24 hours before notification Under extenuating circumstances, sex crimes unit can be immediately informed and dispatched (including after hours)	Sex Crimes Unit conducts the interview of the victim Interview typically occurs at the Justice Center, but if circumstances require, can interview victim anywhere The interview is not recorded, but a typed statement is created, which the victim signs Minimal interview by responding patrol officer	Transported to emergency room by EMS EMS attempts to take victim to hospital with SANE program if possible If EMS transports victim to hospital before officer responds, officer will meet victim at the hospital Patrol officer retrieves Rape Kit	A patrol officer is dispatched to hospital to retrieve competed Rape Kit	Sex Crimes Detective meets with City Prosecutor to determine whether to prosecute All cases must be referred to prosecutor's office to make a determination Attempts are made to garner cooperation of victim, if ultimately unsuccessful, attempt to obtain signed form from victim	Victim to be interviewed by officer with crisis intervention training (when reasonably available) Upon request of victim, will remain anonymous on initial court documents Medical examination following assault is paid for by state	Three tiered system depending on crime committed Registered sex offenders required to register with county sheriff where resides, works, or attends school Sheriff verifies residence at prescribed intervals CPD Sex Crimes Unit does not rely on registry beyond using public database	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Columbus, OH Columbus Police Department (“CPD”)	Sexual Assault Unit divided into two sub-units: One handles crimes against victims 16 years or older, and the other handles crimes against victims 16 years or younger 12 detectives in unit that handles crimes against victims 16 years or older 3 shifts; sex crimes unit staffed 24 hours per day	Patrol officer must inform Communications Bureau of information related to the offender and the crime scene	Patrol officer responsible for a minimal interview of victim to care for immediate medical needs secure potential evidence, determine jurisdiction, and identify suspects	Patrol officer conducts minimal interview	“First responder letter” from patrol officer to Sexual Assault Unit detective detailing all that patrol officer did Patrol officer directly contacts Sexual Assault Unit as soon as practical	Sexual Assault unit conducts major interview Patrol officer only conducts minimal interview	Transportation by emergency squad Patrol Officer cannot authorize or pick up a Rape Kit Patrol officer must explain importance of medical treatment, even if there are no overt injuries	If victim has changed clothes, patrol officer must identify and protect If victim has not changed clothes patrol officer should instruct victim to remain in clothes and not shower or take other actions that may affect quality of evidence	Not detailed in Department Policy	Emphasis on sensitivity and not forcing victim to talk Sexual Assault Unit detective controls investigation and authorizes actions that affect victim	Same as Cleveland	Patrol officer must notify proper agencies if sex crime did not occur in CPD’s jurisdiction Detained suspect will not be allowed to change clothes or take actions that affect the quality of evidence

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Kansas City, MO Sexual Assault Nurse Examiner ("SANE")	Primary responsibility for sex crimes placed with Sex Crimes Section of the Special Victims Unit	Not detailed in Department Policy	Victims should be advised of hospitals with SANE nurses and allowed to choose If rape victim has serious physical injury, EMTs will determine hospital	Not detailed in Department Policy	Not detailed in Department Policy	Not detailed in Department Policy	Preferred hospital have SANE nurses Forensic medical examination provided at no cost to victim	Member of Crime Scene Investigations Section will collect sexual assault kit from hospital	Not detailed in Department Policy	Polygraph testing not allowed Information in court records that could be used to identify or locate victim must be redacted prior to public disclosure Victims notified if offender tests positive for HIV; if so, state pays cost of testing victim for HIV	One tier Lifetime registration Initial registration at release from custody Periodic verification with county sheriffs	Officer or detective not required to remain with victim until examination is complete unless fear for victim's safety or request from investigators

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Parma, OH Sexual Assault Nurse Examiner ("SANE")	Sex Crimes Unit	The dispatcher should always send two officers and notify the officer in charge when a sex crime call is received	Officers should first determine if medical assistance is needed; then the crime scene should be secured and the officer in charge should notify a Sex Crimes Unit detective Preliminary Interview Refer the victim to a hospital with a SANE program	Not detailed in Department Policy	The officer in charge responding should contact a Sex Crimes Unit detective to coordinate the response	If reasonably available, officer should be trained in crisis intervention Victim should not be asked during preliminary investigation whether he or she wants to prosecute	Officers are to encourage victims to report to a SANE hospital if possible The victim is to be advised that there is no cost for a medical exam Officers are not to be in the room during medical exam	If there is a possibility that assault was drug-facilitated, blood work should be done as soon as possible Photos should be taken, with sensitivity to the location of on the victim's body with nurse of officer of same gender Rape Kits should be handled per the instructions on the package	Not detailed in Department Policy	Responding officer should contact victim advocate as soon as possible The advocate does not transport the victim, does not go to the victim's house, and does not give the victim money or act as an interpreter	Same as Cleveland	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Philadelphia, PA Philadelphia Police Department ("PPD") Special Victims' Unit ("SVU") Operations Room Supervisor ("ORS") Combined DNA Index System ("CODIS")	Handling reports of sex crimes is primary responsibility of SVU	ORS notifies the SVU via "computer message"	Police officer fielding initial report must render first aid, protect crime, arrange for transportation of victim to appropriate hospital	Prepared by first officer to receive report and ORS	Not detailed in Department Policy	Initial interview must help identify appropriate steps to take; complete interview must eventually be conducted at SVU headquarters Family must be notified	Examining physician must be interviewed Assigned investigator must submit the rape kit obtained from the hospital to lab for processing	Assigned investigator must obtain Search Warrant for offender's clothing and submit to lab Must obtain victim's clothing, give victim hospital clothes/gown Must collect other evidence from scene	Not detailed in Department Policy	Not detailed in Department Policy or Statutory Requirements	Sexually violent predators (as determined by Board) subject to lifetime registration PPD required under state law to provide notice to victims regarding sex offenders	State analog to CODIS City has own registration program for people convicted of rape Detective ensures that victim gets transported home from hospital

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Pittsburgh, PA Combined DNA Index System ("CODIS")	Handling reports of sex crimes is primarily responsibility of Sex Assault Unit	Not detailed in Department Policy	Must: Provide medical assistance Secure crime scene preserve evidence Convey victim to hospital Detain all witnesses Contact Police Headquarters	Written by initial responding officer, can be night felony personnel if applicable	Not detailed in Department Policy	Initial interview should be brief	Must collect evidence from hospital, such as the rape kit	Major Crimes must collect all evidence from the body of the perpetrator, e.g., saliva sample, head and pubic hair, and blood samples, and the actor's underwear or other clothing	Not detailed in Department Policy	Not detailed in Department Policy or Statutory Requirements	Sexually violent predators (as determined by Board) subject to lifetime registration Bureau required under state law to provide notice to victims re: sex offenders	State analog to CODIS Night Felony Personnel perform similar functions as Special Victims Unit during off-hours

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Toledo, OH	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	No written Department Policy	Same as Cleveland	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
Virginia Beach, VA Virginia Beach Police Department ("VBPD") Special Victims Unit ("SVU") Sexual Assault Nurse Examiner ("SANE")	VBPD has a SVU that handles all sexually related crimes Available 24 hrs/day	An officer is dispatched to the scene of the sexual assault and notifies the SVU detective as soon as info indicates a rape or other sex crime	After securing the scene, only one officer questions the victim Evidence is gathered and the SVU is notified SVU takes over and arranges transportation of the victim to a medical facility	The first officer who arrives at the scene takes the initial report in private	The SVU detective is notified by the responding officer and assumes responsibility for the follow-up investigation	Only one responding officer may interview the victim Victim should be encouraged to prosecute offender Follow-up interview of victim must be done in private squad room	SVU detective arranges to have victim taken to hospital with SANE program and for rape kit to be taken Detective arranges for the processing of rape kit Detective gives victim Support Services information	The reporting officer collects and preserves evidence from the scene which includes, fingerprints, soil samples, hair, body fluids, fibers, and clothing	The victim is not required to cooperate with officers, but are always provided with victim advocacy contact info The rape kit will only be kept for 12 months for victims who only cooperate partially with officers	Resources: RESPONSE Sexual Assault Services of the YWCA provides services to sexual assault victims	Registration For Life: Sexually Violent Offenders, Two or More Offenses, Murder, Violation of Failure to Register Initial Registration at Release From Custody	
Warrensville Heights, OH	No real policy, 5 line bullet point list on general crimes against persons protocol	Not detailed in Department Policy	Not detailed in Department Policy	Not detailed in Department Policy	Not detailed in Department Policy	Not detailed in Department Policy	Policy states that hospital treatment should be provided.	Among evidence that should be collected is clothes, Rape Kit, and photographs	Not detailed in Department Policy	Not detailed in Department Policy or Statutory Requirements	Same as Cleveland	

<u>City</u>	<u>Structure of PD</u> (Existence of separate unit/ hierarchy within unit/of unit within PD/case load/case management)	<u>Communication</u> (Dispatch; notice to community)	<u>Initial Response</u>	<u>Initial Report</u>	<u>Transition to Sex Crimes Unit or Investigating to Detective</u>	<u>Interview of Victim</u> (Procedures, setting, equipment)	<u>Interaction with Hospital</u> (Rape Kits - including costs/SANE Nurses)	<u>Preservation of Evidence/ Submission of Evidence for Testing</u> (Timing, unknown suspect, DNA)	<u>Determination to Prosecute</u> (Follow-up with uncooperative victims, relationship with prosecutor)	<u>Victim Advocacy/ Resources/ Protections</u> (Confidentiality, HIV testing)	<u>Registry Requirements</u>	<u>Miscellaneous</u>
IACP Model Policy	Not applicable to Model Policy	<p>Dispatcher must be aware that victims to assaults may act out of trauma</p> <p>Follow standard emergency response</p> <p>Sex assault specific inquiries: advise against bathing or other physical changes</p>	<p>Patrol officer should make immediate contact with victim to address safety</p> <p>Officer should show understanding and patience, victim told same sex officer available</p> <p>Interview victim to establish elements of crime, witnesses, etc.</p>	<p>Initial role of the responding officer is limited to establishing that a crime occurred and to get the initial information</p> <p>In depth interview and investigation reserved for the investigative unit</p>	<p>The responding officer should contact the investigations unit from the scene</p> <p>The specialized unit can then make the determination of why type of response is appropriate</p>	<p>The initial interview should consist of establishing the elements of crime and identity of witnesses, suspects, evidence and crime scenes</p> <p>Follow-up after medical exam, and equipment for tape recording or videotaping should be used; location should be convenient and comfortable for the victim; victim should tell a narrative</p>	<p>The officer should get the consent of the victim for a forensic exam and explain that the victim may decline any portion of the exam</p> <p>If the victim is unwilling to undergo an exam, the officer should encourage the victim to get a pregnancy and STD test</p> <p>A victim advocate should be made available during the exam</p>	<p>Dispatcher should advise victim of need to preserve evidence</p> <p>Responding officer should be in charge of photographing the victim (use officer of same sex)</p> <p>If drug facilitation is suspected, drug and urine samples should be taken</p>	Not applicable to Model Policy	<p>Police should contact victim advocate as soon as possible</p> <p>An advocate should be available to assist the victim before and during the medical exam</p>	Not Applicable to Model Policy	A lot of language about being sensitive to victims

MAYOR’S SPECIAL COMMISSION: Chart Comparison of Police Departments in Reviewed Cities

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement (“CBA”) and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Atlanta, GA	Citizen; 20+ yrs old; drivers license; HS diploma or GED; COMPASS, ASSET, SAT, or ACT exam; criminal background check; medical and psychological exams; polygraph; oral interviews; physical standards	Police Recruits receive a minimum of 900 hours of classroom instruction / training at the Atlanta Police Academy and 240 hours of field training Each recruit must qualify on the Georgia double- action / semi-automatic pistol course	Information not available	Information not available	Information not available	Sex Crimes: Fulton County District Attorney's Crimes Against Women and Children Unit (a special unit for prosecuting cases involving domestic violence and sexual abuse of women and children)	1,619 officers
Austin, TX Missing Persons Unit (“MPU”) Sex Crimes Unit (“SCU”)	Citizen; 20.5-40 yrs old; driver’s license; HS diploma or GED and some college; medical and criminal check; written and psychological exam; polygraph and drug test	Mandatory in-service training, firearms training; annual readiness drill; and bi-annual training in Weapons of Mass Destruction	Officers who reach detective status are selected to MPU and SCU based on interpersonal skills, desire, work experience, and reputation	MPU interacts with state Clearinghouse and University of North Texas	To be a detective, officer must be in the force for 5 years and pass a written examination (bonus points given for education and seniority)	All SCU cases are sexual assault felony cases that are prosecuted by the District Attorney's Office All sexual assault cases are co-presented to the grand jury by the investigator and prosecutor	1,466 officers
Baltimore, MD	Citizen; 20.5+ years old; HS diploma or GED; civil service exam; criminal background check; medical and psychological exams; polygraph; oral interviews; physical standards	Six months of entry level training, including instruction in law, defense tactics, firearms, and emergency vehicle operation Upon completion of entry level training, trainees are sent to one of the department's nine patrol districts for field training	At least 60 days' notice in advance of written examinations for promotions	Information not available	At least 60 days' notice in advance of written examinations for promotions	Sex Crimes: The Sex Offense Division of the Office of the State’s Attorney for Baltimore City focuses on the prosecution of adult felony defendants who commit sex crimes	2,998 officers

VORYS

Vorys, Sater, Seymour and Pease LLP
Legal Counsel

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement (“CBA”) and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Bedford Heights, OH	Information not available	City will pay for tuition and books for college courses taken at accredited state or county institution for job related classes where officer earns at least a “C”	Initial probationary period is 18 months Probationary period for promotion to higher job classification is 12 months (can be demoted at City’s discretion)	Information not available	Information not available	Information not available	
Burlington, VT Burlington Police Department (“BPD”) Uniformed Services Bureau (“USB”) Detectives Services Bureau (“DSB”) Chittenden Unit for Special Investigations (“CUST”)	Citizen; age 20; driver’s license; HS diploma and A.A. degree; medical and criminal check; written / psychological exam; oral interview, polygraph and drug test; physical standards	Police Academy training includes first response training by CUSI	Selections to CUSI are made by the CUSI Director and are approved by the Board of Directors	Sex Crimes – BPD interacts with CUSI	Procedure to become detective in BPD is not spelled out in the CBA It appears that after three years, officers in USB become Senior Officers and are then eligible to laterally transfer into DSB as a detective	Sex crimes are handled by CUSI CUST’s personnel includes Susan Hardin from the Office of the Chittenden County State’s Attorney; she is the prosecutor that prosecutes all sexual crimes that occur in Chittenden County (including Burlington)	90 officers
Charlotte, NC	Citizen; 21+; driver’s license; HS diploma or GED; medical and criminal check; written exam, oral interview, psychological exam; polygraph and drug tests; physical standards	Information not available	Information not available	Interaction with the state Center for Missing Persons in handling reports of missing persons	Information not available	There is no city prosecutor—cases go through the county prosecutor	1,637 police officers

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement (“CBA”) and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Chicago, IL	Age 21-40; citizenship not required; driver’s license; 60 hours of college/university or 4 years in military; resident of Chicago; medical and criminal check; written exam; psychological, drug and physical fitness tests	Police Training Academy	Assignment in special units are based on the availability of the opportunity It is not guaranteed that an officer will be able to join the specialized unit of his/her choice	Information not available	After probation period is complete, officer may complete application for detective Selection is based on exam and seniority	Special Investigations Unit presents all sex crime cases to Cook County Prosecutor County Prosecutor decides whether to move forward with the case depending upon the evidence presented	13,359 officers
Cincinnati, OH	Age 21; HS diploma or GED; valid driver’s license; U.S. Citizen or applicant	Information not available	All units must receive notice of new assignment or vacancy Police chief considers personal qualifications and competence when making selection	Information not available	Information not available	The detective determines whether the sex crime is a felony or a misdemeanor by applying state law If the sex crime is a felony, it is presented to the County prosecutor, and the County prosecutor then determines whether to present to the Grand Jury If it is a misdemeanor, it is presented to the City prosecutor	Initial probationary period is one year
Cleveland, OH	Valid identification; HS diploma or GED; \$10 filing fee, residency (for an additional 10 points added to score) Form is only a checklist of what must bring when applying; there appear to be more requirements	There is a 22 week expedited training for trainees	Initially a trainee, after the 22 week training course, attain rank of patrol officer IV, after 36 weeks, promoted to Patrol Officer III, progression to level II and I continue at one year intervals	Information not available	Patrol officer 1 status (highest patrol officer rank), typically takes three years; then eligible for bid procedure to be placed into a unit Most units require half based on seniority and half at discretion of unit	All sex crimes are presented to the City prosecutor If the City prosecutor determines that there is enough evidence to go forward, the County prosecutor handles the prosecution	

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement ("CBA") and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Columbus, OH	HS diploma or GED; 20+ years old; citizen; background check; driver's license; polygraph; multiple choice test; writing sample; oral response; physical test; interview family; honest; safe driver; respectful; satisfactory employment history; good judgment	Regular training opportunities available through Columbus Police Academy and Regional Training Center	Probationary period and 2 years of patrol required Officers must meet Job Description Manual requirements to be considered Chief of police reserves right to disapprove in certain units (not including sex crimes or missing persons) Supervisors may first realign existing unit members, then post vacancy; applicants ranked according to seniority; top 5 seniors that meet Job Description Manual requirements must be considered Seniority and exceptional qualifications are considered	Information not available	Test required for certain unspecified positions	All sex crimes are presented to the County prosecutor	
Kansas City, MO	Citizen; 21+ years old; HS diploma or GED; police entrance exam; criminal background check; medical and psychological exams; polygraph; oral interviews; physical standards; Kansas City residence required within 12 months of starting job	Regional Police Academy Entrant Officers receive 1,038 hours of training Kansas City Missouri Police Entrant Officers receive an additional 36 hours of training	Information not available	Information not available	Information not available	Sex Crimes: Kansas City, MO, is located within four counties (Jackson, Clay, Platte, and Cass), and each county has its own county prosecutor's office that prosecutes felonies (such as murder, rape, and robbery), misdemeanors, and infractions	1,325 officers

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement ("CBA") and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Parma, OH	No published qualifications Based on CBA, it appears no qualification above graduation from designated training academy	Information not available	For first two years, probationary period where officer can be terminated at sole discretion of department; such decisions are not appealable	Information not available	When Director of Public Service deems necessary, he will assign patrolmen to the detectives bureau To become sergeant, all officers with five years experience can take a civil service exam; three highest scores are interviewed and one is chosen among the three	All felony charges are submitted to the county prosecutor	
Philadelphia, PA	Citizen; 19+ years old; driver's license; HS diploma or GED; residency required; medical and criminal check; psychological exam; physical standards	Information not available	Information not available	Long Term Missing Person Section interacts with divisional investigators, the National Center for Missing and Exploited Children, Town Watch, outside police agencies, medical examiners, and others to locate all missing persons	Information not available	All warrants and arrests are submitted to the Philadelphia County District Attorney's Office for review and/or approval / more information needed / declined via Intranet Sex offenses have their own assigned Assistant District Attorney for review and court	6,764 officers
Pittsburgh, PA	Citizen; 18+ years old; driver's license; 30 credit hours of college education; residency; medical and criminal check; written exam, oral exam, psychological exam; physical standards	Information not available	Information not available	Information not available	Information not available	Cases are submitted to the city prosecutor	850 officers
Toledo, OH	Age 21-34; HS diploma or GED; resident of Toledo; written civil service exam; background check; oral interview; medical and psychological exam; physical agility test (with specific agility standards, e.g., 22 push-ups)	All newly hired trainees shall complete the Ohio State Peace Officers Training Council Minimum Standard Training Program prior to being assigned to any regular police duties	Initially on a probationary period, but given regular police duties for one year; must serve 180 days during that year and can be fired at discretion of department	Information not available	There is a seniority requirement to be eligible for a promotional exam	All felony charges are submitted to the county prosecutor	

<u>City</u>	<u>Qualifications</u> (Initial entry into police force)	<u>Training</u> (Police academy and continuing education)	<u>Hiring/Assignment</u> (Analysis of Collective Bargaining Agreement ("CBA") and other hiring practices)	<u>Interaction with Other Agencies</u>	<u>Requirements for Detective Status</u> (Testing required)	<u>Prosecutor</u>	<u>Miscellaneous</u>
Virginia Beach, VA	Citizen; age 20-65; eligible to obtain VA or NC driver's license; HS diploma or GED; medical and criminal check; written and oral exam; psychological, polygraph, and physical fitness tests	Basic Academy Training and Field Training Program	Minimum requirement of 3 years Competitive selection Memo of interest given to team; interview, shooting evaluation, personal file review, supervisor recommendation Special training given	Information not available	Minimum requirement of 2 years on the street 90 day detective program Acceptance based on reputation, work ethic, evaluation of character, and preparation of case files correctly	Information not available	812 officers
Warrensville Heights, OH	21+ years old; HS diploma or GED; valid Ohio driver's license, written civil service exam.	Information not available	Information not available	Information not available	Information not available	All felony charges are submitted to the county prosecutor	39 officers

Cleveland Rape Crisis Center Community Management of Sex Offenders

States and communities are developing measures to manage sex offenders in order to increase safety for victims and the public. Sex offender management policies and programs include measures such as registries, residency restrictions, and GPS monitoring. The Cleveland Rape Crisis Center (CRCC) supports sex offender management policies that are victim-centered, comprehensive, increase offender accountability, and have the goal of truly keeping the community safe. CRCC believes that in order for policies to be truly effective they must be based on fact and research; and:

- **Focus on the prevention of future victimizations.** Treatment should not take the place of the criminal justice response, however it should be included as a component of offenders' sentences. Studies show that the overall effect of well-designed treatment programs include significant reductions in future sexual offenses (without treatment the recidivism rate is approximately 17% and with treatment it drops to approximately 12%).
- **Allocate resources for victim treatment.** In addition to addressing the management of offenders, policies must also address the needs of victims. Studies tell us that victims of childhood sexual abuse are twice as likely to be victimized as adults, so funding for counseling and crisis intervention is imperative. Currently in Ohio no state resources are allocated for rape crisis centers to provide these services.
- **Focus on treatment and reintegration.** Over 95% of offenders will eventually re-enter society. Studies show that sex offender treatment decreases recidivism and that offenders are much less likely to re-offend when they have stable housing, employment and social support. It is imperative that resources be dedicated toward treatment and successful reintegration of offenders.

CRCC believes that many current and proposed sex offender management policies can be problematic and are largely ineffective because they **fail to address the realities of sexual violence, perpetuate myths, and create a false sense of security.** Specifically, sex offender management policies often:

- **Focus on 'stranger danger.'** In reality, victims are far more at risk to be offended by someone they know (approximately 90% of child cases and 80% of adolescent/adult cases).
- **Do not differentiate between types of offenders.** Some offenders pose greater risk of re-offending than others and require more intensive, specialized interventions. Policies that are 'blanket' in nature are largely ineffective and can actually impede safety of society.
- **Focus on *convicted* sex offenders.** Sex crimes are grossly underreported, which means that convicted sex offenders only represent a *small portion* (approximately 5-10%) of the possible sex offenders in our society.

Effective sex offender policies require the active involvement of partners from many backgrounds and disciplines. *CRCC hopes to work alongside partners of different disciplines and policy makers to ensure that developing sex offender management policies are as effective in keeping victims safe and reducing sexual violence.* CRCC also advocates for conducting research to determine the efficacy of sex offender legislation.

CRCC believes that in addition to sex offender management policies **must also be created to allocate significant resources to *prevent violence before it occurs.*** The public health approach to ending sexual assault includes vigorous public education campaigns targeted for parents, caregivers, schools, community members and the media to change norms and behaviors that lead to sexual violence.

References and Additional Resources:

Association for the Treatment of Sexual Abusers (ATSA) – www.atsa.com
Center for Sex Offender Manager (CSOM) – www.csom.org
National Alliance to End Sexual Violence – www.naesev.org
Stop it Now! – www.stopitnow.com
Texas Department of State Health Services – www.dshs.state.tx.us

Resources and Referrals – Missing Persons

International Resources

The Doe Network: International Center for Unidentified & Missing Persons

www.doenetwork.org

volunteer organization devoted to assisting law enforcement in solving cold cases concerning unexplained disappearances and unidentified victims from North America, Australia and Europe

The International Centre for Missing and Exploited Children (ICMEC)

www.icmec.org

international organization that works to identify and coordinate a global network of organizations fighting child-sexual exploitation and abduction

organization formed a Global Missing Children's Network comprised of websites that feed into a central multilingual database featuring information about and photographs of missing children from around the world

National Resources

The Polly Klaas Foundation

www.pollyklaas.org

national nonprofit that helps find missing children, prevents children from going missing, and promotes laws like Amber Alert that help keep children safe

National Center for Missing & Exploited Children

www.missingkids.com

national nonprofit organization funded by the Justice Department that acts as an information clearinghouse and resource for parents, children, law enforcement agencies, schools, and communities to assist in locating missing children and to raise public awareness about ways to prevent child abduction, child sexual abuse and child pornography

One Missing Link, Inc.

www.onemissinglink.org

nonprofit service organization designed to work in conjunction with National Center for Missing and Exploited Children to provide a link between families of the missing and existing systems in a cooperative effort to reunite the missing and their families

Child Quest International

www.childquest.org

nonprofit organization dedicated to the prevention and recovery of missing, abused, and exploited children

Team Hope

www.teamhope.org

organization that assists families with missing children by offering counsel, resources, empowerment and emotional support from a trained volunteer, who has had or still has a missing child

Association of Missing and Exploited Children Organization

www.amecoinc.org

organization of member organizations in the United States and Canada who provide services to families with missing and exploited children

Let's Bring Them Home

www.lbth.org

nonprofit organization that serves children and families across the United States by providing safety education for children and adults as well as critical resources to families with missing loved ones

American Association For Lost Children, Inc. (AAFLC)

www.aaflc.org

Christian nonprofit organization that searches for and recovers missing children at no cost to the parents

The Shawn Hornbeck Foundation

www.alostchild.com

nonprofit organization dedicated to the prevention of the abduction of children and the search for and rescue of lost, missing or abducted children

Child Find of America, Inc.

www.childfindofamerica.org

national nonprofit organization dedicated to the prevention and resolution of child abduction

NamUs - National Unidentified Decedent Data System

www.identifyus.org .

www.namus.gov

nationwide system for missing and unidentified persons; provides a searchable database for the public

The Christian Lamb Foundation

www.clamb.org

organization that provides help to recover missing and exploited children, and networks with and supports other similar organizations

Child Watch of North America

www.childwatch.org

organization that focuses on working with parents and children in helping to prevent abductions through the distribution of the Kidguard Safety Program

Laura Recovery Center

www.lrcf.net

organization that helps prevent abductions and runaways and attempts to recover missing children by fostering a Triangle of Trust among law enforcement, community and a missing child's family

A Child is Missing, Inc.

www.achildismissing.org

organization devoted to assisting law enforcement in the search and early safe recovery efforts of children / the elderly (often with Alzheimer's) / disabled persons and college students via a rapid-response neighborhood alert program utilizing high-tech telephony systems

National Center for Missing Adults (NCMA)

www.theyaremissd.org

national nonprofit that provides safety education for children and adults as well as critical resources to families with missing loved ones

Operation Lookout – National Center for Missing Youth

www.operationlookout.org

a missing child center serving families

The Center for Hope

www.hope4themissing.org

nonprofit organization with the mission of providing resources to educate, assist and support families and friends to cope with the ambiguous disappearance of a loved one

The Jacob Wetterling Foundation

www.jwrc.org

advocacy group for children safety that provides support, resource referrals and advocacy for the families and communities who experience a missing or exploited child or teen

CUE – Community United Effort Center for Missing Persons

www.ncmissingpersons.org

provides services for the missing and their families

The Rachel Alert Network

www.rachelalert.org

charitable organization which helps prevent abductions through awareness education and provides information to friends and families of abducted persons

ChildSeek Network

www.childseeknetwork.com

attempts to inform and educate as to what resources are available through our media and other contacts; makes quilts of hope comprised of photos of missing children

Child Crisis Network

www.childcybersearch.com

provides missing children database and a support child crisis network

The Carole Sund/Carrington Memorial Reward Foundation

www.carolesundfoundation.com

offers support and resources to aggrieved families in an effort to bring them hope and resolution and in certain circumstances posts rewards for families of victims who lack the financial means to do so themselves

National Missing Children's Locate Center

www.nmclc.org

organization dedicated to locating missing children and reuniting them with their families

Outpost for Hope

www.outpostforhope.org

attempts to expand education and awareness of missing persons and support the efforts of families in crisis, law enforcement and affiliated social service agencies to locate and provide recovery information that saves lives

Beyond Missing

www.beyondmissing.com

nonprofit organization that provides law enforcement agencies with the means to make and distribute missing person fliers

Project Jason

www.projectjason.org

nonprofit organization focused on case assessment and providing resources and support for families of the missing

The Tommy Foundation

www.tommyfoundation.org

nonprofit organization that addresses issues relating to missing children including increasing public and law enforcement awareness through presentations, and advocating for policies and programs

For Our Families Foundation

www.forourfamilies.org

charitable nonprofit helping law enforcement agencies across the country receive missing persons (child, adult, seniors) investigation and "cold case" training for the benefit of public safety

The Joyful Child Foundation

www.thejoyfulchild.org

nonprofit corporation dedicated to protecting the nation's children from sexual abuse and abduction through programs that unite and uplift communities

Take Root

www.takeroot.org

helps empower former abducted children to respond to family abduction by facilitating healing, providing knowledge, and raising public issue awareness from the unique perspective of the abducted child

The Committee for Missing Children, Inc.

www.findthekids.com

a parent advocacy group that serves as an information clearinghouse and provides a website as a resource for parents of missing children as well as lawyers, other non-profits and non-governmental agencies, and the agencies that deal with child abduction

Regional Resources

Southwest Panhandle Search and Rescue K9/Emotional First Aid Team

www.swpansar.org

nonprofit organization that provides search and rescue assistance primarily to lower Alabama, the Florida panhandle, and coastal Mississippi

State Resources

Arkansas – Morgan Nick Foundation

www.morgannick.com

provides a support network to parents and families of all missing children.

Colorado – Families of Homicide Victims and Missing Persons, Inc.

www.unresolvedhomicides.org

offers various services to family members/friends of missing persons/victims

Colorado – Missing Children Task Force

www.childfinders.org/ixone.html

provides support to parents and law enforcement agencies in the investigation of missing children cases

Kansas - Kansas Missing & Unidentified Persons

www.kansasmissing.com

provides a website for families and law enforcement agencies to view missing persons

Maryland - The Missing and Exploited Children's Association of Maryland

www.mecamd.com

private, nonprofit organization committed to raising public awareness in issues of child safety. It is an all-volunteer organization offering support to families of missing children and education to prevent children from being abducted and exploited

Maryland – Maryland Center for Missing Children (MCMC)

<http://ccu.mdsp.org/mcmc.htm>

organization established by state law as the state's clearinghouse
center provides a toll free hotline, creates and distributes posters, and provides assistance in investigations

Minnesota – Missing Children Minnesota
www.missingchildrenmn.org

helps locate missing children and provides advocacy and support services to families of missing children

Nevada – Nevada Child Seekers
<http://nevadachildseekers.org/>

nonprofit organization that assists law enforcement and provide support and services for families

Ohio – Ohio Missing Adults
www.ohiomissingadults.com/

A website that is dedicated to working with crime stoppers and law enforcement agencies in locating missing adults

Texas – Texas Center for the Missing
www.tcftm.org

nonprofit organization is dedicated to finding the missing quickly and providing support to their families

Washington – Families & Friends of Violent Crime Victims
www.fnfvcv.org

provides tracing procedures, crisis intervention, and one-on-one advocacy and support

Wisconsin – Operation Locate Our Children
www.locateourchildren.org

provides resources in the event of an abducted or missing child and serves as a community reference point for information on issues related to child safety and abduction

City Resources

Indianapolis, IN – Advance K9 Search and Recovery, Inc.
www.advancek9sar.com

nonprofit organization to help the law enforcement, families and communities to locate a missing person

San Antonio, TX – The Heidi Search Center, Inc.
www.heidisearchcenter.com

nonprofit organization that offers guidance, assistance and emotional support to families in and around San Antonio

Houston, TX – Greater Houston Search Dogs

www.ghsd.org

nonprofit search dog organization that provides assistance to law enforcement officers to locate missing persons

Houston, TX – 1st Priority Search & Recovery

www.seguindescendantshp.com/priority.htm

nonprofit organization comprised of volunteers who assist law enforcement agencies, families and friends search for missing persons

Resources and Referrals – Sex Crimes

Sex Crimes

Centers for Disease Control and Prevention

<http://www.cdc.gov/ncipc/factsheets/svfacts.htm>

For over 60 years, CDC has been dedicated to protecting health and promoting quality of life through the prevention and control of disease, injury, and disability. The CDC is committed to programs that reduce the health and economic consequences of the leading causes of death and disability, thereby ensuring a long, productive, healthy life for all people. The CDC provides information regarding the prevention of sexual assault and guidelines for medical treatment if a sexual assault has happened.

Cleveland Rape Crisis Center

www.clevelandrapecrisis.org

Hotline: 216-619-6192

Founded in 1974, the Cleveland Rape Crisis Center is dedicated to serving survivors of sexual violence and those who support them with free comprehensive healing and advocacy services, and to creating social change in the community through education, training, and activism.

Comprehensive Approaches to Sex Offender Management

<http://www.ojp.usdoj.gov/BJA/grant/casom.html>

The Comprehensive Approaches to Sex Offender Management (CASOM) Discretionary Grant Program provides funding to help jurisdictions effectively manage sex offenders in the community by implementing new or enhancing existing programs. Programs need to increase public safety and reduce victimization.

National Center for Victims of Crime

<http://www.ncvc.org/ncvc/Main.aspx>

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for crime victims and those who serve them. Since its inception in 1985, the National Center has worked with grassroots organizations and criminal justice agencies throughout the United States serving millions of crime victims.

National Sexual Violence Resource Center

<http://www.nsvrc.org/>

The National Sexual Violence Resource Center serves as the nation's principle information and resource center regarding all aspects of sexual violence. It provides national leadership, consultation and technical assistance by generating and facilitating the development and flow of information on sexual violence intervention and prevention

strategies. The NSVRC works to address the causes and impact of sexual violence through collaboration, prevention efforts and the distribution of resources.

Office for Victims of Crime

<http://www.ojp.usdoj.gov/ovc/welcome.html>

The Office for Victims of Crime (OVC) was established by the 1984 Victims of Crime Act (VOCA) to oversee diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs-the lifeline services that help victims to heal. The agency supports trainings designed to educate criminal justice and allied professionals regarding the rights and needs of crime victims. OVC also sponsors an annual event in April to commemorate National Crime Victims' Rights Week (NCVRW).

Office of Violence Against Women

<http://www.ovw.usdoj.gov/sexassault.htm>

The Office on Violence Against Women (OVW), a component of the U.S. Department of Justice, provides national leadership in developing the nation's capacity to reduce violence against women through the implementation of the Violence Against Women Act (VAWA). Created in 1995, OVW administers financial and technical assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.

Rape, Abuse and Incest National Network (RAINN)

www.rainn.org

Hotline: 1.800.656.HOPE

The Rape, Abuse & Incest National Network is the nation's largest anti-sexual assault organization. RAINN operates the National Sexual Assault Hotline at 1.800.656.HOPE and the National Sexual Assault Online Hotline, and publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to prevent sexual assault, improve services to victims and ensure that rapists are brought to justice.

Sexual Assault Training and Investigations

<http://www.mysati.com/>

The goals of SATI are to: provide cross training for all disciplines with an emphasis on the law enforcement investigation and proper police responses; counter crimes of sexual assault by ensuring a coordinated, competent, and effective response by all members of a Sexual Assault Response Team and other community stakeholders to hold sex offenders accountable; increase reporting of sexual assault by providing responders with information that will give them the ability to effectively respond to all forms of sexual assault, with an emphasis on sexual assault that does not fit the stereotype of "real rape"

The Courage to Heal

Based on the premise that "everyone wants to become whole," this book offers help and encouragement to women who were sexually abused in childhood. Through moving firstperson narratives, it illustrates how to come to terms with the past and work constructively towards the future. Along the way it describes the effects of sexual abuse, maps the stages survivors pass through, and offers practical guidance on dealing with self-defeating behaviors and building self-esteem. Supportive strategies are recommended to families, friends, and health-care professionals.

Education and Training

International Association of Chiefs of Police

<http://www.theiacp.org/>

The IACP shall advance professional police services; promote enhanced administrative, technical, and operational police practices; foster cooperation and the exchange of information and experience among police leaders and police organizations of recognized professional and technical standing throughout the world.

IACP aims to champion the recruitment and training of qualified persons in the police profession and encourage all police personnel worldwide to achieve and maintain the highest standards of ethics, integrity, community interaction and professional conduct.

International Association of Forensic Nursing (IAFN)

<http://www.iafn.org/>

IAFN is an international membership organization comprised of forensic nurses working around the world and other professionals who support and compliment the work of forensic nursing. The mission of the IAFN is to provide leadership in forensic nursing practice by developing, promoting, and disseminating information internationally about forensic nursing science

Ohio Peace Officer Training Academy

<http://www.ohioattorneygeneral.gov/OPOTA>

The Peace Officer Training Academy provides instruction in basic, advanced, and technical subjects for the Ohio law enforcement community using the latest research and recommended professional practices. The Ohio Peace Officer Training Academy is accredited by the Commission on Accreditation for Law Enforcement Agencies

Sexual Assault Nurse Examiner Units

The type of Sexual Assault Nurse Examiner (“SANE”) program a community adopts will rely on the community resources that are available adaptable to the SANE program. A community must have the cooperation of advocacy programs, law enforcement, the criminal justice system, and a health care facility in order to be successful.

The SANE program in Cuyahoga County is hospital-based. Most hospital-based programs are coordinated and administered out of an Emergency Department. The SANE staffing methodology may include having a nurse trained on every shift in that department and having the SANE nurse be responsible for handling all sexual assault cases, or the department may have an on-call schedule developed with SANE nurses responding from home as needed. There is often a SANE coordinator who is responsible for training, quality assurance, scheduling, and coordinating interactions with the criminal justice system and advocacy programs.

In 2001, a multidisciplinary group of individuals in Cuyahoga County came together to form the Cuyahoga County Sexual Assault Response Team (“SART”). The early work of the SART focused on establishing Standards of Practice for each participating discipline, including SANE nurses. Once established, the standards were sent to each hospital in the county with a request for endorsement. The letter indicates establishing a SANE Unit within a hospital involves placing 10-14 SANE nurses on a 24-hour per day on-call schedule, and designating an area within the hospital that is equipped for treating sexual assault cases. Hospitals in the county that endorsed, and are operating under, these standards include Fairview, Huron, Hillcrest, and Marymount. Other hospitals throughout the County do have SANEs on staff or on-call at times, but are not considered by SART as fully-operating SANE Units.